

ARTICLE 1. In General.¹

Division 1. Enactment and Authority.

Section 1-1-1. Title.²

This Chapter, the full title of which is “The Zoning and Subdivision Ordinance of the City of Petersburg, Virginia,” shall be permitted, for convenience, to be referred to as the “Zoning and Subdivision Ordinance” or “Ordinance.”

Section 1-1-2. Authority.³

- (A) Pursuant to the Code of Virginia § 15.2-2280 et seq., the City of Petersburg, Virginia, is given the authority to classify and regulate land development under its jurisdiction.
- (B) Pursuant to the Code of Virginia § 15.2-2240, et seq., the City of Petersburg, Virginia, is authorized to adopt regulations to ensure the orderly subdivision of land and its development.
- (C) The provisions of Chapter 122, Article II, Chesapeake Bay Preservation Areas, of the Petersburg City Code are incorporated into this Ordinance by reference.

Section 1-1-3. Purpose.⁴

- (A) The purpose of this Ordinance is to implement the City of Petersburg Comprehensive Plan; promote the health, safety, and general welfare of the public; and to further accomplish the objectives of § 15.2-2200 of the Code of Virginia. This Ordinance is designed to give reasonable consideration to:
 - (1) Providing for adequate light, air, convenience of access and safety from fire, flood, impounding structure failure, crime, and other dangers;
 - (2) Reducing or preventing congestion in the public streets;
 - (3) Facilitating the creation of a convenient, attractive, and harmonious community;
 - (4) Facilitating the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;
 - (5) Protecting against destruction of or encroachment upon historic areas and working waterfront development areas;
 - (6) Protecting against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light

¹ **Editor’s Note:** Unless otherwise noted, all draft text is new and not included in the current Ordinance. Text has been reviewed and updated to ensure full compliance with Code of Virginia provisions.

² **Editor’s Note:** This Section updates and replaces Article 1, Section 1.

³ **Editor’s Note:** This Section incorporates Article 32, Section 2.

⁴ **Editor’s Note:** The Ordinance’s purpose (Article 2 of the current Ordinance) has been revised to better align with the full intent of Zoning and Subdivision Ordinances per the Code of Virginia.

- and air, danger and congestion in travel and transportation, or loss of life, health or property from fire, flood, impounding structure failure, panic or other dangers;
- (7) Encouraging economic development activities that provide desirable employment and enlarge the tax base;
 - (8) Providing for the preservation and protection of the natural environment;
 - (9) Promoting the creation and preservation of affordable housing suitable for meeting the current and future needs of the City as well as reasonable proportion of the current and future needs of the planning district within which the City is located;
 - (10) Providing reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard;
 - (11) Providing reasonable modifications in accordance with the Americans with Disabilities Act of 1990 or state and federal fair housing laws, as applicable;
 - (12) Protecting surface water and ground water as defined in the Code of Virginia § 62.1-255;
 - (13) Establishing standards and procedures for the orderly division, subdivision and resubdivision of lots, tracts and parcels of land for residential and commercial purposes pursuant to the Code of Virginia § 15.2-2240 et. seq.;
 - (14) Ensuring proper legal description and proper documenting of subdivided land;
 - (15) Ensuring the purchasers of lots, tracts, and parcels of land purchase a commodity that is suitable for the intended use; and
 - (16) Providing standards for development, ensuring appropriate ingress, egress, public facilities, services, and utilities.

Section 1-1-4. Applicability.⁵

- (A) Pursuant to the Code of Virginia § 15.2-2281, the provisions of this Ordinance shall apply to all property within the incorporated territory of the City of Petersburg, Virginia.
 - (1) This requirement may be waived for any property held in fee simple ownership and use by the United States of America, Commonwealth of Virginia, or the government of the City of Petersburg.
 - (2) Upon transfer of ownership or control of any portion of government lands to private interests, the regulations of the district in which the land is located shall automatically apply.
- (B) Pursuant to the Code of Virginia § 15.2-2284, the zoning regulations and districts as herein set forth have been drawn and shall be applied with reasonable consideration for the existing use and character of property, the comprehensive plan, the suitability of properties for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the

⁵ **Editor's Note:** Section 1-1-4 has been added to clarify the Ordinance's jurisdictional and regulatory applicability.

transportation requirements of the community, and the requirements for airports, housing, schools, parks, playgrounds, recreation areas, and other public services; and the conservation of natural resources, the preservation of floodplains, the protection of life and property from impounding structure failures, the preservation of agriculture and forestal land, the conservation of properties and their values, and the encouragement of the most appropriate use of land throughout the City.

Section 1-1-5. Conformity with Ordinance Required.

- (A) Except as otherwise provided in this Ordinance, all land, buildings, structures, and/or premises within the City shall only be used, occupied, erected, constructed, moved, enlarged, and/or altered in conformance with this Ordinance’s regulations.
- (B) Land shall only be subdivided in conformance with:
 - (1) **Article 10**, Subdivision, of this Ordinance.
 - (2) Chapter 122, Article II, Chesapeake Bay Preservation Act (CBPA), of the Petersburg City Code.

Section 1-1-6. Severability.

Should any Section or any provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

Division 2. Ordinance Conflicts and Interpretations.

Section 1-2-1. Interpretation.^{6,7}

- (A) The Zoning Administrator shall interpret this Ordinance based upon the following criteria:
 - (1) Provisions shall be considered the minimum required to promote the public health, safety, convenience, and general welfare;
 - (2) Unless otherwise specified, the standards of this Ordinance are the minimum required;
 - (3) When regulations of this Ordinance conflict with each other, other City Ordinances, or state or federal law, the more restrictive regulation shall govern;
 - (4) This Ordinance does not abolish easements, covenants or other private agreements, however, pursuant to the Code of Virginia § 15.2-2315, where this Ordinance’s requirements vary with the requirements of any other lawfully adopted statute, regulation, or ordinance, the most restrictive, or the higher standard, shall control to the extent necessary to resolve the conflict;
 - (5) A building, structure, or use which was not legally existing on **[effective date of revised ordinance]** shall not be made lawful solely by adoption of this Ordinance;

⁶ **Editor’s Note:** This Section revises and replaces Article 32, Section 1.

⁷ **Editor’s Note:** The date of the revised Ordinance adoption and any applicable effective dates will be inserted after formal adoption. Such provisions with placeholder text will be highlighted in the draft Ordinance for temporary reference.

- (6) Where this Ordinance’s requirements are vague or unclear, the Zoning Administrator shall be responsible for their interpretation; and,
- (7) Conditions imposed or accepted as part of an approved Zoning Map Amendment (Rezoning), Conditional Zoning (Rezoning with Proffers), Special Use Permit, Special Exception, Variance, or Zoning Permit prior to [effective date of revised ordinance] shall remain in effect.
 - (i) However, as stated in the Code of Virginia § 15.2-2261.1, if there is a conflict between conditions imposed through those land use decisions and this Ordinance, the conditions shall apply. If there is no condition that addresses a specific use or development standard of this Ordinance, this Ordinance’s requirements shall govern.

Section 1-2-2. Figures and References in Ordinance.⁸

- (A) Tables included within this Ordinance are provided as integral components of the regulatory framework and shall have the same force and effect as written text.
 - (1) In the event of a conflict between any figures or images and any text or tables in this Ordinance, the text and/or tables shall control.
- (B) If any section of this Ordinance incorporates by reference any state statute or regulation, then the Ordinance incorporates future amendments of the state statute or regulation.

Division 3. Zoning Districts Map.

Section 1-3-1. Establishment, Maintenance, and Amendment.

- (A) The official location and boundaries of the various primary zoning districts and special district(s) are hereby established as shown on the official “City of Petersburg, Virginia, Zoning Map” for convenience, to be referred to as the "Zoning Map."
- (B) A certified copy of the Zoning Map shall be filed in the office of the Clerk of Circuit Court of Petersburg, Virginia.
- (C) The Zoning Map shall be available for examination and inspection by the public at all reasonable times.
- (D) The original of the Zoning Map shall be filed in the Zoning Administrator's office and such original shall be updated as the result of the following City Council actions:
 - (1) Amendments to the Ordinance;
 - (2) Approval of a Rezoning (see Article 3, Division 2); or
 - (3) Approval of Conditional Zoning (see Article 3, Division 3).

Section 1-3-2. Incorporated by Reference.

The Zoning Map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

⁸ Editor’s Note: Proposed as a new section.

Section 1-3-3. Interpretation of Zoning District Boundaries.⁹

(A) The Zoning Map associated with this text and showing the division of the territory into districts shall be interpreted with the following rules when uncertainty exists with respect to the boundaries of any of the districts:

- (1) Where district boundaries are fixed by dimensions or otherwise shown or described, there shall be no uncertainty.
- (2) When district boundaries are shown as roughly following or being perpendicular to the centerlines of streets, highways, alleys, or railroad tracks, those centerlines or the lines perpendicular to them shall be considered the actual boundaries.
- (3) Where a district boundary is indicated to follow a river, creek, or branch or other body of water, said boundary shall be construed to follow the centerline at low water or at the limit of the jurisdiction, and in the event of change in shoreline, such boundary shall be construed as moving with the actual shoreline.
- (4) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines; and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts, unless said boundaries are otherwise indicated on the map or by ordinance.¹⁰
- (5) If distances or other dimensions are not specifically indicated and no blocks divided on the Zoning Map, they will be determined by the scale of the map.
- (6) If the specific location of a boundary cannot be determined from notations on the Zoning Map or application of the above standards, it will be determined by using the map scale to determine the boundary's distance from other features shown on the map.
- (7) Any lot that has been annexed from adjacent jurisdictions shall be considered a lot of record if no alteration has taken place since annexation.
- (8) In case any territory is not definitely and clearly included within any one district, such territory shall be deemed to be in the R-1 district until otherwise classified by amendment in accordance with **Article 3**, Permits and Applications, of this Ordinance.¹¹
- (9) In any case in which there is uncertainty, contradiction, or conflict as to the location of any zoning district boundary – due to scale, illegibility, lack of detail, physical or natural features vary from those on the Zoning Map, or any other circumstances not covered by this section – the Zoning Administrator will have the authority to interpret the district boundaries in accordance with **Section 2-1-1** of this Ordinance.

⁹ **Editor's Note:** This Section revises Article 4, Section 4.

¹⁰ **Editor's Note:** This provision has been retained from Article 4, Section 4(2)(d).

¹¹ **Editor's Note:** This provision has been retained from Article 32, Section 1. Recommend revisiting this provision after zoning district standards are updated to confirm if R-1 continues to be the most appropriate district for this circumstance.

(10) The Zoning Administrator’s interpretations may be appealed to the BZA in accordance with **Article 3** of this Ordinance. The BZA will not have the power to change substantially the locations of district boundaries.

Section 1-3-4. Unauthorized Changes.

No changes of any nature shall be made on the Zoning Map except in conformity with the procedures and requirements of this Ordinance. It shall be unlawful for any person to make unauthorized changes on the Zoning Map.

Division 4. Transition of Regulations After Adoption.

Section 1-4-1. Effective Date of Ordinance.¹²

This Ordinance was adopted on **[date of adoption of revised ordinance]**. This Ordinance shall become effective on **[date of adoption of revised ordinance]** and repeals and replaces any prior Zoning and Subdivision Ordinances in the City of Petersburg. Its provisions shall be in force until repealed or amended.

Section 1-4-2. Violations Continue.

Any development or activity in violation of the previous Zoning Ordinance will continue to be a violation under this Ordinance unless the development or activity complies with the express terms of this Ordinance.

Section 1-4-3. Nonconformities.

If any use, structure, lot, sign, or site feature legally existed immediately prior to **[effective date of revised ordinance]** but does not fully comply with the standards of this Ordinance or any amendment thereto, the use, structure, lot, sign, or site feature is considered nonconforming under this Ordinance and must comply with the requirements in **Article 9**, Nonconformities, of this Ordinance.

Section 1-4-4. Complete Applications.¹³

(A) This Section pertains to applications for the following:

- (1) Zoning Text and Map Amendments (Rezoning);
- (2) Conditional Zoning (Rezoning with Proffers);
- (3) Special Use Permits;
- (4) Site Plans;
- (5) Variances;
- (6) Zoning Permits;
- (7) Certificates of Appropriateness; and

¹² **Editor’s Note:** This Section revises and replaces Article 34.

¹³ **Editor’s Note:** The current Ordinance does not address Complete Applications, but this topic is required for inclusion per the Code of Virginia.

- (8) Plats.
- (B) Applications and/or plats deemed by the Zoning Administrator to be complete (i.e., all required items received and all comments resolved) prior to [effective date of revised ordinance], but still pending final action as of that date, will be processed in accordance with the regulations in effect when the submittal was received.
 - (1) Application submittals that were received and commenced review but have not resolved all comments prior to [effective date of revised ordinance] will not be accepted as complete.
- (C) An applicant with a pending application and/or plat accepted and deemed complete prior to [effective date of revised ordinance], may opt to have the proposed development reviewed and decided under the standards of this Ordinance by withdrawing the pending submittal and submitting a new application and/or plat in accordance with the procedures and standards of this Ordinance.
- (D) To the extent such a complete application and/or plat is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, will be nonconforming and subject to the requirements of Article 9, Nonconformities, of this Ordinance.

Section 1-4-5. Other Approved Permits and Development Approvals.

- (A) Any other zoning permits or development approvals granted prior to [effective date of revised ordinance], will remain valid until their expiration date.
- (B) Developments with valid permits or development approvals granted prior to [effective date of revised ordinance], may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or development approval is valid and has not expired.
 - (1) If the prior approval expires or is revoked, any subsequent development or use of the site will be subject to the procedures and standards of this Ordinance.
- (C) To the extent a prior-approved permit or development approval that does not comply with this Ordinance, the subsequent development or use, although permitted, will be nonconforming and subject to the requirements of Article 9, Nonconformities, of this Ordinance.

Section 1-4-6. Vested Rights.¹⁴

- (A) The provisions of this Ordinance shall not impair a vested right of a property owner. The Zoning Administrator shall be authorized to make determinations on whether a property owner's rights are deemed vested in a land use. The Subdivision Agent shall be authorized to make determinations on whether a property owner's rights are deemed vested in a division. Vested rights determinations shall be made in accordance with the Code of Virginia § 15.2-2307.

¹⁴ **Editor's Note:** The current Ordinance does not address vested rights, but this topic is required for inclusion per the Code of Virginia.

(B) Nothing contained herein will require any change in the plans or construction of any building or structure for which a building permit was granted prior to [effective date of revised ordinance].

ARTICLE 2. Administration.

Division 1. Zoning Administrator and Subdivision Agent.

Section 2-1-1. Appointment; Powers; and Duties.

(A) Zoning Administrator.¹

- (1) The Zoning Administrator shall have all authority empowered by Code of Virginia § 15.2-2286(A)(4) to administer, interpret, and enforce the Zoning Map and this Ordinance, with the exception of **Article 10**, Subdivision. The Zoning Administrator shall exercise their authority at the pleasure of the Director of Planning and Community Development and City Council.
- (2) The Administrator may designate a Deputy Zoning Administrator or other designee(s) to assist in these duties.
- (3) The Zoning Administrator may also hold another position in the City.
- (4) The Zoning Administrator may establish reasonable administrative procedures necessary for the administration of this Ordinance.
- (5) No specific authority expressly granted to the Zoning Administrator in other sections of this Ordinance limits the authority of the Zoning Administrator to administer and enforce those sections where specific authority is not expressed.
- (6) In addition to the authority granted under Code of Virginia § 15.2-2286(A)(4), the City Manager may direct the Zoning Administrator to be appointed as a Special Conservator of the Peace by the Circuit Court or General District Court, pursuant to Code of Virginia § 19.2-13, subject to the scope, limitations, and conditions set forth in the court's order of appointment.²

(B) Subdivision Agent.³

- (1) A Subdivision Agent shall be appointed by the City to administer and enforce **Article 10, Subdivision**. Unless otherwise acted upon by the City Manager, the Director of Planning and Community Development, or his or her designee, shall serve as the Subdivision Agent.
 - (i) The Zoning Administrator may also be appointed as the Subdivision Agent.
- (2) The Subdivision Agent shall have such duties as are conferred by this Ordinance, including:
 - (i) Accept and process applications, including reviewing and certifying plats, for conformance with this Ordinance;

¹ **Editor's Note:** Provisions establishing the Zoning Administrator's appointment, powers, and duties update and replace Article 33, Section 1 of the current Ordinance.

² **Editor's Note:** Provision added per City Attorney's direction.

³ **Editor's Note:** Provisions establishing the Subdivision Agent's appointment, powers, and duties have been introduced.

- (ii) Forward plats for review, comment, and approval to the appropriate departments, boards, and state agencies;
- (iii) Keep records of all applications; appeals; and submissions and subsequent actions; and
- (iv) Conduct inspections of subdivision improvements for compliance with the approved subdivision and construction plans.

Division 2. Planning Commission.⁴

Section 2-2-1. Appointment; Membership; Terms; Compensation; Removal.⁵

- (A) Pursuant to the Code of Virginia § 15.2-2210, et seq., a Planning Commission shall be created and organized as follows:
- (1) The Planning Commission shall consist of 9 voting members appointed by the City Council.
 - (2) All members shall be residents of the City of Petersburg, with at least half of such members being owners of real property.
 - (i) All members shall be qualified by knowledge and experience to make decisions on questions of community growth and development.
 - (3) One member shall be appointed from each ward, and two members shall be appointed at-large, for staggered terms of 4 years.
 - (i) The terms of voting members shall expire on September 30.
 - (ii) Two additional members, who are members of the administrative branch of the City, may be appointed to the Planning Commission by the City Council to serve ex officio without vote. These members shall perform such administrative duties as the commission may prescribe. The term of these members shall be coextensive with the terms of office to which they have been appointed, unless the City Council, at its first regular meeting of the year, appoints another to serve as its representative.
 - (iii) All members of the Planning Commission on the effective date of this Ordinance may continue as members until completion of their current terms, in accordance with Code of Virginia § 15.2-2203.
 - (4) The City Council may provide for compensation to Planning Commission members for their services, reimbursement for actual expenses incurred, or both, in accordance with Code of Virginia § 15.2-2212.

⁴ **Editor's Note:** This Division is intended to revise and replace Chapter 82, Planning, of the City Code. Tentatively, Chapter 82 is to be repealed as it exists currently. It is further noted that where certain provisions are detailed in the Planning Commission's bylaws, they will not be restated in this Ordinance update to avoid redundancy and conflicts. After adoption of the fully revised Ordinance, the bylaws should be updated to reflect any new Ordinance and/or state code references.

⁵ **Editor's Note:** This Section corresponds to Section 82-32 of the City Code; provisions are materially the same as the existing language, with minor revisions for organization and clarity.

(5) Any member may be removed for malfeasance or absenteeism.⁶

Section 2-2-2. Powers and Duties.⁷

The Planning Commission performs the duties as provided in this Ordinance and pursuant to the Code of Virginia §§ 15.2-2221, 15.2-2223 through 15.2-2232, and 15.2-2285.

Section 2-2-3. Meetings and Procedures.⁸

(A) The Planning Commission shall conduct meetings and public hearings pursuant to the Code of Virginia §§ 15.2-2214 through 15.2-2217.

(B) The Planning Commission may adopt bylaws for its operations and procedures.

Section 2-2-4. Expenditures, Gifts, and Donations.

Expenditures, gifts, and donations shall be in accordance with Code of Virginia § 15.2-2222.

Division 3. Board of Zoning Appeals.

Section 2-3-1. Appointment; Membership; Terms; Compensation; Removal.⁹

(A) Pursuant to the Code of Virginia § 15.2-2308, et seq., a Board of Zoning Appeals (BZA) shall be created and organized as follows:

- (1) The BZA shall consist of 5 members, who are residents of the City of Petersburg, appointed by the Circuit Court.
- (2) The term of office shall be for 5 years.
 - (i) The terms of individual members shall be staggered such that the term of one member expires each year.
 - (ii) The secretary of the BZA shall notify the Clerk of Circuit Court at least 30 days in advance of the expiration of a term of office, or promptly if a vacancy occurs. A member whose term expires shall continue to serve until the successor is appointed and qualifies.
 - (iii) All members of the BZA on the effective date of this Ordinance may continue as members until completion of their current terms, in accordance with Code of Virginia § 15.2-2203.

⁶ **Editor's Note:** Recommend updating the Planning Commission's bylaws to include provisions for removal due to malfeasance or absenteeism. For example, removal may occur after missing a certain number of meetings consecutively or annually.

⁷ **Editor's Note:** This Section corresponds to Section 82-33 of the City Code; language has been updated with current state code references and clarification for review of plats. Additional powers and duties of the Planning Commission bylaws.

⁸ **Editor's Note:** Specific meeting procedures are located in the *Petersburg Planning Commission Bylaws, Rules, and Procedures*, adopted 2014.

⁹ **Editor's Note:** This Section is materially the same as Article 27, Section 1 of the current Ordinance, with minor revisions for organization, clarity, and readability.

- (3) Members of the BZA may be reappointed to succeed themselves but shall not hold other public office in the City of Petersburg.
- (4) Members of the BZA may receive such compensation or reimbursement as authorized by the City Council. Within the limits of funds appropriated by the City Council, the BZA may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.
- (5) The City Council may provide for compensation to BZA members for their services, reimbursement for actual expenses incurred, or both, in accordance with Code of Virginia § 15.2-2308.
- (6) Any BZA member or alternate may be removed for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, by the court which appointed them, after a hearing held after at least 15 days' notice.

Section 2-3-2. Powers and Duties.¹⁰

- (A) Pursuant to the Code of Virginia § 15.2-2309, the BZA shall have the following powers and duties after required notice and hearing as provided in the Code of Virginia § 15.2-2204:
- (1) **Appeals.** To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this Ordinance as outlined in **Article 3, Division 12**, of this Ordinance.
 - (2) **Variance.** To authorize upon appeal or original application a variance, as defined in the Code of Virginia § 15.2-2201, from the terms of this Ordinance. Standards and procedures for determining variances are outlined in **Article 3, Division 5**, of this Ordinance.
 - (3) **Boundary Interpretations.** To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary, only if:
 - (i) The Zoning Administrator is unable to interpret boundaries, as provided in **Article 1, Division 3**, of this Ordinance; or
 - (ii) If an applicant appeals the Zoning Administrator's interpretation.
 - (iii) After notice to the owners of the property affected by any such question, and after public hearing with notice as required by the Code of Virginia § 15.2-2204, the BZA may interpret the map in such way as to carry out the intent and purpose of this Ordinance for the particular section or district in question.
- (B) The provisions of this Section shall not be construed as granting the BZA the power to rezone property, substantially change the locations of district boundaries as established by this Ordinance, or to base decisions on the merits of the purpose and intent of local ordinances duly adopted by the City Council.

¹⁰ **Editor's Note:** This Section incorporates applicable portions of Article 27, Section 4 of the current Ordinance; provisions regarding variance criteria has been relocated to **Article 3, Division 5**.

Section 2-3-3. Meetings and Procedures.

- (A) The BZA shall conduct meetings and public hearings pursuant to the Code of Virginia §§ 15.2-2308 through 15.2-2314.
- (B) The BZA may adopt bylaws for its operations and procedures.

Division 4. Architectural Review Board. ¹¹

Section 2-4-1. Appointment; Terms; Membership; Compensation.

- (A) Pursuant to the Code of Virginia § 15.2-2306, et seq., an Architectural Review Board (ARB) shall be created and organized as follows:
 - (1) The ARB shall consist of 7 voting members appointed by the City Council.
 - (2) At least 1 member shall be a credentialed architect and at least 2 members shall have professional training or equivalent experience in architecture, history, architectural history, archeology, or planning.
 - (3) All members shall be residents or business owners in the City of Petersburg, with the exception that 1 credentialed architect member does not need to reside or own a business in the City.
 - (4) The term of office shall be for 3 years.¹²
- (B) The terms of individual members shall be staggered such that at least 2 members and not more than 3 members expire each year.
- (C) When a term expires, a member may be reappointed or a new member appointed to begin a new term.
- (D) Vacancies shall be filled within 60 days of its occurrence.
- (E) If a vacancy occurs prior to term expiration, the vacancy shall be filled for the unexpired portion of the term.

Section 2-4-2. Powers and Duties. ¹³

- (A) The ARB shall:
 - (1) Review and approve Certificates of Appropriateness in accordance with **Article 3, Division 10**, of this Ordinance.

¹¹ **Editor's Note:** This Division corresponds to Article 35, Sections 4 and 5. It is further noted that where certain provisions are detailed in the ARB's bylaws, they will not be restated in this Ordinance update to avoid redundancy and conflicts. After adoption of the fully revised Ordinance, the bylaws should be updated to reflect any new Ordinance and/or state code references.

¹² **Editor's Note:** Term and vacancy provisions are materially the same as Article 35, Section 5, but have been revised for clarity and to ensure the existing staggered term pattern is maintained.

¹³ **Editor's Note:** Additional details regarding powers and duties are provided in the ARB's bylaws.

(2) Certify historically and architecturally significant buildings within the City of Petersburg as "Petersburg historic buildings" and issue official plaques to owners of such buildings.

(3) Possess other duties as provided in the Code of Virginia § 15.2-2306.

(B) The ARB may adopt bylaws for its operations and procedures.

Division 5. Enforcement.

Section 2-5-1. Authority.¹⁴

(A) As provided in Article 1, In General, of this Ordinance, conformity with the Ordinance is required. Failure to comply with the requirements of the Ordinance constitutes a violation thereof and is declared to be unlawful.

(B) As authorized by the Code of Virginia § 15.2-2286(A)(4), the Zoning Administrator or Deputy shall be responsible for enforcing the provisions of this Ordinance.

(C) Any person who knowingly makes any false statements, representations or certifications in any record, report, or other document, either filed or requested pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required or used by the Zoning Administrator or Deputy under this Ordinance in monitoring discharges, shall be guilty or liable of this Ordinance.

Section 2-5-2. Complaints.

Any person who alleges that violation of the Ordinance has occurred may file a complaint with the Zoning Administrator or Deputy. Such complaint shall stipulate the cause and basis thereof and the location of the alleged violation. The Zoning Administrator or Deputy, at their sole discretion, shall properly record the complaint, investigate the facts thereof, and take action thereon as provided by the Ordinance.

Section 2-5-3. Notice of Violation.

(A) If the Zoning Administrator determines that a violation of this Ordinance exists, a notice of violation or ticket may be issued to anyone committing and/or permitting the violation, the property owner, or any of the above.

(B) The notice of violation or ticket will state the violation, remedy, and right to appeal, consistent with Code of Virginia § 15.2-2311.

Section 2-5-4. Remedies and Penalties for Violation.¹⁵

(A) General.

¹⁴ **Editor's Note:** This Section corresponds to and updates Article 33, Sections 1 and 2.

¹⁵ **Editor's Note:** New provisions for civil penalties have been incorporated, in addition to existing criminal penalties for zoning violations. Civil penalties are optional under the Code of Virginia, but are recommended for inclusion in the Ordinance as a best practice to streamline administration. Civil penalties give staff the ability to issue fines for zoning violations rather than solely relying on criminal convictions.

- (1) The Zoning Administrator may initiate appropriate action, as provided in applicable law.
 - (2) Remedies provided in this Division are cumulative unless expressly stated otherwise and may be in addition to any other remedies authorized by applicable law.
- (B) **Civil Penalties.**¹⁶ Any person, whether the owner, lessee, principal, agent, employee or otherwise, who violates any provision of this Ordinance or permits either by granting permission to another to engage in the violating act or by not prohibiting the violating act after being informed by the Zoning Administrator that the act violates this Ordinance will be subject to civil penalties as provided in Code of Virginia § 15.2-2209 and subject to the following:
- (1) **Procedure.** Civil penalties for violations of this Ordinance may be initiated either by filing a civil summons in the general district court or by the Zoning Administrator issuing a ticket.
 - (2) **Civil Summons or Ticket.** A civil summons or ticket must contain the name and address of the person charged, the violation, and methods of resolution.
 - (3) **Failure to enter waiver.** If a person charged with a violation does not enter a waiver of trial and admit liability, the violation will be tried in the general district court as provided by law. A finding of liability is not deemed a criminal conviction for any purpose.
 - (4) **Penalties.**
 - (i) **Amount of Civil Penalty.** A civil violation is subject to a civil penalty not to exceed \$200 for the initial summons, and a civil penalty not to exceed \$500 for each additional summons arising from the same set of operative facts.
 - (ii) **Daily Offense.** Each day during which a violation exists will constitute a separate violation. However, in no event will a violation arising from the same set of operative facts be charged more frequently than once in any 10-day period.
 - (iii) **Maximum Aggregate Penalty.** The total civil penalties from a series of violations arising from the same set of operative facts must not exceed \$5,000. If the violations exceed the \$5,000 limit, the violation may be prosecuted as a criminal misdemeanor as outlined in (C), below.
- (C) **Criminal Penalties.**¹⁷
- (1) Pursuant to Code of Virginia § 15.2-2286(A)(5), any violation of this Ordinance may be prosecuted as a misdemeanor, independently of or in addition to the civil penalties authorized under (B), above.
 - (2) Except for the subdivision regulations provided in Article 10, Subdivision, of this Ordinance, any violation of the requirements of this Ordinance resulting in injury to a person or persons prosecuted as a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not less than \$10 and not more than \$1,000.

¹⁶ **Editor's Note:** State code establishes the maximum civil penalty fine amounts. Recommend adopting a separate schedule of civil fines that are within the permissible maximums to better clarify the exact penalty for certain violations.

¹⁷ **Editor's Note:** Provisions regarding criminal penalties revises Article 33, Section 3 of the current Ordinance.

- (3) If the violation is uncorrected at the time of conviction, the court shall order the violator to abate or remedy the violation in compliance with this Ordinance, within a time period established by the court. Failure to remove or abate such violation within the time period established by the court shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1,000, and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period, punishable by a fine of not less than \$100 nor more than \$1,500.
- (4) Criminal penalties for violations of provisions regulating unrelated persons in single-family residential dwellings must be accordance with Code of Virginia § 15.2-2286(A)(5).

(D) Historic Building or District Violations.¹⁸

- (1) Pursuant to Code of Virginia § 15.2-2306, the demolishing, razing, or relocating of any historic building or landmark designated by City Council or a building or landmark within the Historic Overlay District without prior approval in accordance with **Article 3, Division 10**, of this Ordinance shall be subject to civil penalties.
 - (i) Such penalty amount shall not exceed twice the market value of the razed, demolished, or moved building or structure on the property as determined by the assessed value of the property at the time of the razing, demolition, or moving of the building or structure.¹⁹
- (2) Notification procedures for historic building or district violations shall be the same as those provided in **Section 2-5-4(B)(1) and (2)**, above.
- (3) The City Attorney shall enforce these provisions by filing a case in Circuit Court in the name of the City of Petersburg. Such action shall be brought against the party or parties deemed responsible for such violation.
- (4) The remedies provided for herein are not exclusive and shall be in addition to any other remedies provided by law.

Division 6. Fees.

Section 2-6-1. Fees and Charges.²⁰

- (A) The City Council shall establish, by ordinance, a unified schedule of fees, charges and expenses, and collection procedures for zoning permits, special use permits, variances, appeals, amendments, site plan reviews, and other matters pertaining to this Ordinance.
- (B) The following fees shall be charged and collected at the time of application:

¹⁸ **Editor's Note:** Civil penalties specific to historic building or historic district violations have been added separately; provisions derive from Code of Virginia § 15.2-2306 rather than § 15.2-2209.

¹⁹ **Editor's Note:** If desired, the City can set the maximum civil penalty for this type of violation to equate the market value; twice the market value is the cap set under this section of state code.

²⁰ **Editor's Note:** Fees are retained from Article 31. New fees for preliminary and final plats, ARB appeals, and sign reface permits have been added.

Table 2-1. Fee Schedule

APPLICATION/PERMIT TYPE	FEE
Appeal of ARB Ruling	\$250
Appeal of Zoning Administrator	\$500
Certificate of Appropriateness <i>(required prior to starting work in historic district)</i>	\$0
Certificate of Appropriateness <i>(if work commences in historic district before obtaining COA)</i>	\$250
Home Occupation Permit	\$50
Final Plat for Major Subdivision	\$150 plus \$10 per lot exclusive of original parcel
Final Plat for Minor Subdivision <i>(includes BLA and Lot Consolidations)</i>	\$150
Plan Amendments	\$1,500
Preliminary Plat	\$250 plus \$10 per lot exclusive of original parcel
Rezoning	\$1,500
Sign Permit, Temporary	\$75
Sign Permit, Permanent	\$150
Sign Permit, Reface	\$50
Site Plan	\$800 + \$50 for each acre, or fraction of an acre, of land disturbance beyond the first acre
Site Plan Re-Review	\$250
Special Use Permit	\$1,500
Substantial Accord Review per Code of Virginia § 15.2-2232	\$500 if public hearing is required
Variance	\$500
Zoning Permit	\$50
Zoning Confirmation Letter	\$100
Zoning Confirmation Letter, Expedited	\$500
Zoning Confirmation Letter, DMV	\$100
Zoning Ordinance Amendment	\$1,500

ARTICLE 3. Permits and Applications

Division 1. In General.

Section 3-1-1. Preapplication Meeting.¹

Prior to the submittal of an application for a Special Use Permit, Zoning Map Amendment (rezoning), Conditional Zoning (rezoning with proffered conditions), Preliminary Plat, or Site Plan, a preapplication meeting shall be held between the applicant and the Zoning Administrator, unless otherwise waived by the Planning Director or designee. During this meeting, the applicant may submit Concept Plans or other supporting documentation for preliminary review, comment, and recommendation by the Zoning Administrator or other City staff and department heads.

Section 3-1-2. Application Forms.²

Applications for Concept Plans, Site Plans, Variances, Special Use Permits, Zoning Permits, Temporary Use Permits, Certificates of Appropriateness, Zoning Determinations, amendments to the Ordinance or Official Zoning Map, and any other request requiring action shall be made on forms provided by the City.

Section 3-1-3. Application Fees, Delinquent Taxes and Charges.³

(A) Pursuant to the Code of Virginia § 15.2-2286(B), prior to the initiation of an application or appeal, the applicant shall provide evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and other charges that are owed to the locality and have been properly assessed against the subject property(ies) included the application have been paid in full, unless otherwise authorized by the City Treasurer.

(B) All required application fees shall be paid at the time the application is submitted.

(C) When specialized expertise is needed or staff capacity is limited, the Zoning Administrator may require a qualified third-party review of an application. The reviewer shall be selected by the City, and the applicant shall bear the full cost. The application shall not proceed until the applicant has paid any required fee or deposit. Third-party findings will inform, but not determine, the final decision by the locality.

Section 3-1-4. Ownership Disclosure.

An applicant shall disclose all equitable ownership of the real estate included in an application. In the case of corporate ownership, the name of stockholders, officers, and directors shall be

¹ **Editor's Note:** The City currently encourages voluntary meetings with various City departments prior to submission of plats, site plans, and building permits. Berkley Group recommends codifying this in the Zoning Ordinance as a requirement for SUPs, rezonings, conditional zonings, preliminary plats, and site plans as a best practice for maintaining open communication between the City and development community and addressing any major issues with a proposal up front.

² **Editor's Note:** Proposed new section to require standardization of application procedures.

³ **Editor's Note:** This Section retains the provisions of Article 31, Section 3(2) and (3) regarding payment of all associated taxes and fees prior to application submittal, with minor revisions for clarity.

provided, and in any case the names and addresses of all real parties of interest in accordance with the Code of Virginia § 15.2-2289.

Section 3-1-5. Minimum Submission Standards.⁴

- (A) The Zoning Administrator shall establish minimum submission standards for submission requirements of all applications associated with the Zoning and Subdivision Ordinance. Applications shall contain all information required to meet the minimum standards.
- (B) Upon written request by an applicant, the Zoning Administrator may waive or modify a submission requirement(s) upon a determination that the information is not necessary to evaluate the merits of the application. Such waivers or modifications are for application requirements only and do not include variances or modifications from district or use standards.
- (C) Additional information may be required as deemed reasonably necessary by the Zoning Administrator.
- (D) The Zoning Administrator may request electronic submission of applications and supporting documents in addition to, or in lieu of, physical submission of applications as outlined in this Article.
- (E) **Concept Plan.**
 - (1) When required by this Article, a Concept Plan shall be submitted. The Concept Plan may be general and schematic, and shall show:
 - (i) A certified plat of the subject property showing metes and bounds of all property lines, existing streets, and subdivisions, with reference to a recorded subdivision plat or the City's tax map.
 - (ii) The names and addresses, as shown on the current real estate tax assessment books, of adjacent property owners or owners located directly across the road/street.
 - (iii) Proposed land uses to be developed within each land bay or tract within the development.
 - (iv) The general layout, orientation, and information describing buildings and improvements, including but not limited to parking, landscaping, fencing, signs, trash enclosures, height, setbacks, and restriction lines.
 - (v) If any, the approximate total number, density, and type of dwelling units and the range of lot sizes for the various dwelling types.
 - (vi) If any, the general location of proposed open space and recreational areas.
 - (vii) If any, the general location and type of commercial uses to be developed.
 - (viii) The general location and character of the proposed roads, pedestrian circulation, trails, public utility, and storm drainage systems.

⁴ **Editor's Note:** Proposed new section to clarify minimum submission standards and the authority of the Zoning Administrator to waive requirements or require additional information above and beyond minimum standards.

- (ix) A statement on the proposed development schedule.
 - (x) A written analysis of the public facilities, roadway improvements, and public utilities that will be required to serve the development.
 - (xi) A summary and report covering soil conditions, drainage, topography, location and character of surface water, location and extent of any dam break inundation zones, and other such information as may be required to determine if the site is suitable for development without hazards to occupants or adjoining properties;⁵
 - (xii) A written description of the nature and extent of the amendment desired and an explanation of the reasons for seeking a change.
 - (xiii) Any additional information as deemed reasonably necessary by the Zoning Administrator, including but not limited to an environmental site assessment (ESA).
- (2) The Planning Director or designee may require a Site Plan in accordance with **Division 6** of this Article in lieu of a Concept Plan for applications deemed overly complex. Examples may include but are not limited to:
- (i) Project size exceeding 50 acres;
 - (ii) Extension of utilities;
 - (iii) Creation or extension of streets;
 - (iv) Environmental constraints or hazards; or
 - (v) Trip generation exceeding 100 peak hour trips.

Section 3-1-6. Application Review and Action.

- (A) **Staff Review.** Complete applications will be reviewed by staff and external agencies as needed, with comments provided to the applicant regarding necessary modifications for resubmittal, if applicable.
- (B) **Review and Action by Council, Commission, and Boards.** City staff will schedule the application for review and action by the City Council, Planning Commission, BZA, or the ARB, as applicable.
- (C) **Administrative Decisions.** For applications requiring administrative review only, the Zoning Administrator will notify the applicant of approval or denial of the application, including the procedures for appealing the decision as provided in **Division 12** of this Article.
- (D) **Electronic Communications.** Except as otherwise provided by state law, electronic communications to the applicant, using the contact information provided in the application, will suffice as official notice.

⁵ **Editor's Note:** This requirement is included in Article 26, Section 4(2) of the current Ordinance; as a best practice, it is proposed to apply as a general requirement for all rezonings, not just PUD.

Section 3-1-7. Reconsiderations.⁶

- (A) The following shall apply to all Zoning Text and Map Amendment, Conditional Zoning, Special Use Permit, Variance, and Certificate of Appropriateness applications:
- (1) If denied by the City Council, ARB, or BZA, then such application, or one substantially similar as determined by the City Council, ARB, or BZA, will not be reconsidered sooner than 12 months after the previous denial.
 - (2) If withdrawn by the applicant, such application, or one substantially the same, will not be reconsidered within 6 months from the date the original application has been withdrawn.
- (B) The limits on reconsideration will not impair the right of either the Planning Commission or the City Council to propose any amendment to this Ordinance on their motion at any time.

Division 2. Zoning Text and Map Amendments (Rezoning).⁷

Section 3-2-1. In General.

Pursuant to the Code of Virginia § 15.2-2286(A)(7), whenever public necessity, convenience, general welfare, or good zoning practice requires, City Council may, from time to time, amend, supplement, or change by Ordinance the boundaries of the districts or the regulations established in this Ordinance.

Section 3-2-2. Standards and Procedures.

- (A) **Initiation of Change.**⁸ Pursuant to the Code of Virginia § 15.2-2286(A)(7), any amendment to the text of this Ordinance or the Zoning Map may be initiated by:
- (1) Resolution of City Council; or
 - (2) Resolution or motion of the Planning Commission; or
 - (3) For Zoning Map amendments only, the application of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, addressed the Planning Commission, who shall forward such application to City Council.
- (B) **Zoning Map Amendments (Rezoning).** Applications for Zoning Map amendments, including all Conditional Zoning requests, shall be filed with the Zoning Administrator and accompanied by one original paper copy and one digital PDF copy of a Concept Plan in accordance with **Section 3-1-5(E).**⁹

⁶ **Editor's Note:** Propose applying reconsiderations universally to all stated applications for consistency and clarity.

⁷ **Editor's Note:** Beyond addressing the process for initiating zoning map and text amendments and associated public noticing requirements, the current Zoning Ordinance does not provide standards and procedures for the rezoning or text amendment process. All language included in this Division is therefore proposed as a new addition and has been reviewed to include the most up-to-date requirements from relevant sections of the Code of Virginia.

⁸ **Editor's Note:** This provision is included in Article 28, Section 1 of the current Ordinance, but has been updated for clarity and to include direct reference to the corresponding state code section.

⁹ **Editor's Note:** The method of application submittal/delivery can be amended as needed to reflect what is occurring in practice.

(C) **Standard for Review.** Complete applications shall be reviewed in accordance with **Section 3-1-6** of this Article.

- (1) **Public Hearings and Notification.** Public hearings and notification shall be in accordance with **Division 13** of this Article.
- (2) **Planning Commission and City Council Review.** The Planning Commission and City Council shall review the application in accordance with Code of Virginia § 15.2-2285.
 - (i) If the Planning Commission fails to report within 100 days after its first meeting on a proposed amendment, or within a shorter time set by the governing body, it shall be deemed approved unless the applicant withdraws the proposal before the deadline.
 - (ii) All motions, resolutions, or applications for amendment to the Zoning Ordinance and/or Zoning Map shall be acted upon, and a decision made within twelve (12) months unless the applicant requests or consents to an extension or unless the applicant withdraws the original motion, resolution, or application. Otherwise, the amendment shall be deemed approved.
 - (iii) In the event of and upon a withdrawal, processing of the motion, resolution, or application shall cease without further action as otherwise would be required.

(D) **Record of Map Amendment.** The Zoning Administrator shall update the Zoning Map as needed to ensure all zoning data is both accurate and current. Accordingly, all changes affecting the Zoning Map that are approved by the City Council shall be entered onto the official Zoning Map within sixty (60) days following the approval of such changes. The updated Zoning Map shall be made available for public viewing and administration.

Division 3. Conditional Zoning (Rezoning with Proffers).¹⁰

Section 3-3-1. Purpose and Intent.¹¹

Conditional zoning provides a method for permitting the reasonable and orderly development of land through zoning map amendment with reasonable conditions governing the use and development of such property. As authorized under the Code of Virginia §§ 15.2-2296 through 15.2-2303, reasonable conditions may be voluntarily proffered for the protection of the community when combined with existing Zoning Ordinance district regulations. The exercise of authority will not be construed to limit or restrict powers otherwise granted nor to affect the validity of any Ordinance adopted by the locality which would be valid without regard to this division. In addition, the provisions of this Article must not be used for the purpose of discrimination in housing.

¹⁰ **Editor's Note:** It is worth noting that the City can accept cash proffers if a Capital Improvement Plan (CIP) is developed and adopted. This Division can be amended/updated as needed if adoption of a formal CIP happens during this update process.

¹¹ **Editor's Note:** This provision is included in Article 26A, Section 1 of the current Ordinance, but the language has been edited for clarity and to align with the most recent regulations of the Code of Virginia.

Section 3-3-2. Standards and Procedures.¹²

(A) Proffer of Conditions; Standards of Consideration.

- (1) Any owner of property or their agent making an application for a Zoning Map Amendment (Rezoning) may, as part of the application outlined in **Division 2** of this Article, voluntarily proffer in writing reasonable conditions which shall apply to the subject property in addition to the regulations provided by the zoning district sought in the rezoning application. Any such proffered conditions must:
 - (i) Be made prior to any public hearing before City Council (including joint public hearings with the Planning Commission); and
 - (ii) Be in accordance with the procedures and standards contained in Code of Virginia § 15.2-2297.
- (2) Proffered conditions shall be subject to the following limitations:
 - (i) The rezoning itself shall give rise to the need for the conditions;
 - (ii) The conditions shall have a reasonable relation to the rezoning;
 - (iii) The conditions shall not include a cash contribution or dedication of real property to the City;
 - (iv) The conditions shall conform to the City of Petersburg Comprehensive Plan;¹³
 - (v) The conditions shall not include payment for, or construction of, off-site improvements except those provided for in the Code of Virginia §§ 15.2-2241 and 15.2-2303.4;
 - (vi) The conditions shall not include a requirement that the applicant create a property owners' association under the Property Owners' Association Act (§ 55.1-1800 et seq.) that includes an express further condition that members of a property owners' association pay an assessment for the maintenance of public facilities owned in fee by a public entity, including open space, parks, schools, fire departments and other public facilities not otherwise provided for in the Code of Virginia § 15.2-2241; however, such facilities must not include sidewalks, special street signs or markers, or special street lighting in public rights-of-way not maintained by the Department of Transportation; and
 - (vii) The conditions shall relate to the physical development or physical operation of the property.
- (3) At the time each proffer is submitted to the City, it shall be accompanied by a statement signed by the applicant and the owner or their agents which states:

¹² **Editor's Note:** Language in this Section is included in Article 26A, Section 2 of the current Ordinance. New text has been added to clarify that proffers must be made prior to public hearings and must be in accordance with pertinent Code of Virginia regulations.

¹³ **Editor's Note:** Added requirement to ensure proffers conform to the Comprehensive Plan.

- (i) “The Owner hereby voluntarily proffers the conditions listed herein which shall be applied to the above-referenced property owned by _____, provided that the City of Petersburg City Council accepts these proffers and approves the rezoning of the land to the _____ district.”
 - (ii) “The undersigned Owner hereby proffers that the use and development of the Property shall be in conformance with the proffers and conditions herein above. This document shall supersede all other agreements, proffers or conditions that may be found to be in conflict. The Owner agrees that all proffers shall be binding to the property, which means the proffers shall be transferred to all future property successors of the land.”
- (4) Each application for rezoning which proposes proffered conditions to be applied to the property shall be accompanied by the following items beyond those required by conventional rezoning requests:¹⁴
- (i) A narrative demonstrating justification of proposed proffers.
 - (ii) A statement describing the nature of the proposed development and explaining the relationship of the development to the Comprehensive Plan.
 - (iii) A statement setting forth a maximum number of dwelling units or lots proposed, including density and open space calculations where applicable to any residential development, or a statement describing the types of uses proposed and the approximate square footage for each nonresidential development.
 - (iv) A statement detailing any special amenities that are proposed.
 - (v) A statement of the public improvements both on and off site that are proposed for dedication and/or construction and an estimate of the date for providing such improvements.
 - (vi) A Concept Plan with items as required in **Section 3-1-5(E)** of this Article listing and detailing the nature and location of any proffered conditions and those proposed circumstances which prompted the proffering of such conditions.
 - (vii) A statement setting forth the proposed approximate development schedule.
- (B) **Standard for Review.** Complete applications shall be reviewed in accordance with **Section 3-1-6** of this Article.
- (1) **Public Hearings and Notification.** Public hearings and notification shall be in accordance with **Division 13** of this Article.
 - (2) **Planning Commission and City Council Review.** The Planning Commission and City Council shall review the application in accordance with Code of Virginia §§ 15.2-2285 and 15.2-2296, et seq.
 - (i) All motions, resolutions, or applications for Conditional Zoning shall be acted upon, and a decision made within 12 months unless the applicant requests or consents to

¹⁴ **Editor’s Note:** Proposed new requirement so the City can better understand the nexus between the proposed development and voluntary proffered conditions.

an extension or unless the applicant withdraws the original motion, resolution, or application. Otherwise, the amendment shall be deemed approved.

- (ii) In the event of and upon a withdrawal, processing of the motion, resolution, or application shall cease without further action as otherwise would be required.

Section 3-3-3. Amendments and Variations Prior to Final Decision.

(A) **Prior to Final Decision.**¹⁵ Pursuant to the Code of Virginia § 15.2-2297(A), City Council may accept amended proffers if they:

- (1) Do not materially affect the overall proposal and are made voluntarily, and in writing, prior to the deadline for preparation of the advertisement of the public hearing by City Council on the rezoning request.
 - (i) If City Council determines that the amendment materially affects the overall proposal, the application with the amended proffers shall be remanded back to the Planning Commission for a public hearing and recommendation.

(B) **After Final Decision.** Amendments or variations of conditions shall require a public hearing pursuant to **Division 13** of this Article.

Section 3-3-4. Effect of Condition; Period of Validity.¹⁶

- (A) All such conditions shall be in addition to the regulations provided for in the zoning district to which the land is rezoned.
- (B) Upon the approval of any such rezoning, all conditions proffered and accepted by the governing body shall remain in full force and effect until amended or varied by the City Council.
- (C) If City Council rezones the land as part of a new or substantially revised Zoning Ordinance, such conditions shall continue in full force and effect automatically without notice or filing.

Section 3-3-5. Record of Conditional Zoning.¹⁷

- (A) Pursuant to the Code of Virginia § 15.2-2300, each conditional rezoning shall be designated on the Zoning Map by an appropriate symbol designed by the Zoning Administrator.
 - (1) The Zoning Administrator shall keep and maintain a conditional zoning index which shall provide ready access to the ordinance creating such conditions in addition to the regulations provided for in the particular zoning district and which shall be available for public inspection.

¹⁵ **Editor's Note:** Article 26A, Section 6 of the current Ordinance states that proffered conditions must not be amended or varied until after a public hearing before City Council. In accordance with state code, language has been updated to state that proffers may be amended prior to advertising for a public hearing as long as they are voluntary and do not materially affect the overall proposal. Amendments to *approved* proffers will require a new public hearing.

¹⁶ **Editor's Note:** New section to clarify period of validity for proffered conditions; this is not currently addressed in the Zoning Ordinance.

¹⁷ **Editor's Note:** This requirement is currently included in Article 26A, Section 4 of the current Zoning Ordinance. This language has been amended for clarity, and new language has been added to reflect the need for annual updates to the map.

- (i) The Zoning Administrator shall update the Index annually and no later than November 30 of each year.

Division 4. Special Use Permits.

Section 3-4-1. Purpose and Intent.¹⁸

A use requiring a Special Use Permit (SUP) is a use that may be appropriate in a zoning district, but because of its nature, extent, or external impacts, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. The purpose of this Division is to establish procedures for review and approval of SUPs that provide for such special consideration.

Section 3-4-2. Applicability.¹⁹

In accordance with Code of Virginia § 15.2-2286, a SUP is required for the development of any use designated in **Article 6**, Use Matrix, as requiring a SUP in accordance with this Section, or as required by use standards provided in **Article 7**, Use Performance Standards.

Section 3-4-3. Standards and Procedures.²⁰

- (A) In addition to the general application requirements supplied in **Division 1** of this Article, the applicant shall provide information and data to demonstrate that:
 - (1) The proposed use, when complemented with additional measures, if any, will be in harmony with the purposes of the specific district in which it will be placed;
 - (2) There will be no undue adverse impact on the surrounding neighborhood in terms of public health, safety, or general welfare and show measures to be taken to achieve such goals;
 - (3) The use will not tend to create congestion in streets, roads, alleys, and other areas; and
 - (4) The proposal meets the applicable specific and general standards required by this Ordinance.
- (B) **Concept Plan.** All applications for SUPs shall be accompanied by 1 original paper copy and 1 digital PDF copy of a Concept Plan in accordance with **Section 3-1-5(E)**.²¹
- (C) **Standards for Review.** Complete applications shall be reviewed in accordance with **Section 3-1-6** of this Article.
 - (1) **Public Hearings and Notification.** Public hearings shall be in accordance with **Division 13** of this Article.

¹⁸ **Editor's Note:** **Section 3-4-1** is materially the same as the first part of Article 23, Section 1 of the current Ordinance; text has been simplified for clarity and the provisions regarding public hearings are proposed to be moved to another Section.

¹⁹ **Editor's Note:** This is new language proposed for addition in order to incorporate relevant state code as well as to point to the Use Matrix and associated Use Performance Standards for determining what requires a special use permit application.

²⁰ **Editor's Note:** This is a new Section to provide standards and procedures for submitting a special use permit application; this information is not included in the current Ordinance.

²¹ **Editor's Note:** The number and type of required copies can be amended as needed to meet staff's review needs.

(2) **Planning Commission and City Council Review.**

- (i) The Planning Commission shall make a recommendation on the application to the City Council, including recommendations of such changes and conditions as it might deem appropriate.
 - (ii) The City Council shall make a final decision on the application, including making appropriate changes to the application and imposition of conditions.
- (3) If an applicant seeks both an amendment to the Zoning Ordinance and a SUP for the same property, both applications may be made jointly and processed at the same time if the proposed amendment does not add a Special Use not previously permitted by the terms of this Ordinance.

Section 3-4-4. Effect of Decision; Period of Validity.²²

- (A) A SUP authorizes only the particular use(s) and associated development that is approved and shall not ensure approval for any other permit or development approval.
- (B) A SUP, including any approved plans and conditions, shall run with the land and shall not be affected by a change in ownership, but shall expire as provided in (D), below.
- (C) Unless otherwise specified in this Ordinance or specified as a condition of approval, the height limits, setbacks, lot area, sign requirements, and other specified standards shall be the same as for other uses in the district in which the special use is located.
 - (1) A SUP shall not approve any relaxing of the standards specified in this Ordinance.
- (D) A SUP shall expire upon the first to occur of the following:
 - (1) If the applicant does not obtain Site Plan approval or commence the use granted by the SUP within 2 years for non-residential uses, or 3 years for residential uses, or such longer time as City Council may approve, from the date of approval;²³
 - (2) Upon expiration of a Site Plan for the use granted by the SUP; or
 - (3) If an activity operating under an approved SUP ceases for a period greater than 2 years.²⁴

Section 3-4-5. Revocations.²⁵

A previously granted SUP may be revoked if City Council determines there has not been compliance with the conditions of the permit. No permit shall be revoked except after notice and hearing as provided in this Article.

²² **Editor's Note:** This is a new Section to address period of validity for SUPs; this information is not included in the current Ordinance.

²³ **Editor's Note:** Commencement of the use (period of validity) has been established at 3 years in accordance with new provisions adopted in Code of Virginia § 15.2-2286(A)(3), which requires no less than 3 years for residential projects.

²⁴ **Editor's Note:** While this timeframe can be amended by the City if desired, the two-year timeframe is recommended to align with the timeframes provided for nonconforming uses.

²⁵ **Editor's Note:** This is a new Section; the current Ordinance does not address circumstances under which a SUP may be revoked.

Section 3-4-6. Minor Structural Alterations of Approved SUPs.²⁶

(A) Where minor structural alterations of approved SUPs are found to be in the interest of the public health, safety, and general welfare, and substantially conform to the approved application and do not materially alter the character of the development, the Zoning Administrator shall review such requests and issue a final determination to approve or deny the alteration within 30 days of the original request.

(1) Minor alterations shall not:

- (i) Remove any land from or add any land to the area subject to the application;
- (ii) Create, intensify, or expand any nonconformity with maximum or minimum requirements of the zoning district;
- (iii) Result in an increased parking requirement;
- (iv) Permit a more intensive use than that approved;
- (v) Permit uses other than those approved, except that accessory uses may be permitted;
- (vi) Reduce the effectiveness of approved transitional screening, buffering, landscaping, or open space;
- (vii) Permit changes to bulk, mass, orientation, or location that adversely impact the relationship of the development to adjacent property;
- (viii) Increase the amount of clearing or grading for a stormwater management facility, including any clearing or grading associated with spillways, inlets, outfall pipes, or maintenance roads that reduces non-stormwater management open or landscaping areas on the lot;
- (ix) Expand hours of operation;
- (x) Expand the area or type of signage approved, although changes to color and typeface may be considered; or
- (xi) Be inconsistent with all underlying district standards, approved SUP conditions, and approved Concept Plan.

(2) Appeals of the Zoning Administrator's determination may be made to the BZA in accordance with **Division 12** of this Article.

(3) Proposed alterations that exceed the thresholds stated in **(A)(1)**, above, or otherwise require amendments to approved SUP conditions shall be reviewed in accordance with **Section 3-4-3** of this Division.

²⁶ **Editor's Note:** This Section revises Article 23, Section 3 of the current Ordinance. Proposed revisions include allowing the Zoning Administrator to make administrative determinations for requests of minor structural alterations to approved SUPs, with appeals of the Zoning Administrator's determination to go to the BZA.

Division 5. Variances.²⁷

Section 3-5-1. Purpose and Intent.

Pursuant to the Code of Virginia § 15.2-2309, the purpose of a variance is to allow for a reasonable deviation from the provisions of this Ordinance regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the Ordinance would unreasonably restrict the utilization of the property, other relief or remedy is not available, such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the Ordinance.

Section 3-5-2. Standards and Procedures.

(A) Authority.²⁸

- (1) Pursuant to the Code of Virginia § 15.2-2309, the BZA is authorized to review applications for a variance, if the applicant proves the burden and provides evidence that the application meets the standards for a variance in accordance with the criteria described in Code of Virginia § 15.2-2309(2).
- (2) The BZA may approve; approve with conditions deemed necessary in the public interest, including location and character, limiting the duration of a permit, and requiring a guarantee or bond to ensure the conditions will be complied with; or deny an application for a variance in accordance with the procedures and standards of this Article.

(B) Initiation.²⁹ Application for a variance may be filed by any property owner, person, or by any government official who has been specifically authorized in writing by the owner of the lot to file such application.

- (1) Each application for a variance shall include 1 digital and 1 hard copy of a Concept Plan,³⁰ which shall show required details established in **Section 3-1-5(E)** of this Article, unless the Zoning Administrator waives or modifies requirements due to the scope and nature of the proposed use.

(C) Standards for Review. Complete applications shall be reviewed in accordance with **Section 3-1-6** of this Article.

- (1) **Public Hearings and Notification.** Public hearings and notification shall be in accordance with **Division 13** of this Article.

²⁷ **Editor's Note:** This Division is being proposed to replace Article 27, Section 7 of the current Zoning Ordinance. Edits have been made to incorporate references to pertinent Code of Virginia sections.

²⁸ **Editor's Note:** The provisions of **Section 3-5-2(A)** are materially the same as what is included in Article 27, Section 7(1) and (2) of the current Ordinance. Language has been reworked for clarity and to include reference to state code.

²⁹ **Editor's Note:** The current Ordinance does not specify who is permitted to apply for a variance; this is intended to clarify this process in alignment with applicable state code.

³⁰ **Editor's Note:** This is essentially required as part of the variance application but is not codified in the current Ordinance. The City may amend the number of copies required to match what is preferred in practice as needed.

- (2) **BZA Review.** The Zoning Administrator shall submit the application together with a written staff report to the BZA. The report shall also be submitted to the Planning Commission, which may send a recommendation to the BZA or appear as a party at the hearing.
 - (i) The BZA shall hear and decide on all variance requests in accordance with Code of Virginia § 15.2-2309.

Section 3-5-3. Effect of Decision; Period of Validity. ³¹

- (A) Issuance of a variance shall authorize only the particular variance that is approved. A variance, including any conditions, shall run with the land, and not be affected by a change in ownership.
- (B) Use or development authorized by the variance shall not be carried out until the applicant has secured all other permits required by this Ordinance or any other applicable Ordinances and regulations of the City. A variance, in itself, shall not ensure that the development approved through said permit shall receive subsequent approval for any other necessary applications for permit or development approval.
- (C) After the BZA has granted a variance, it shall become void after 12 months if no substantial construction or change of use has taken place in accordance with the plans for which such variance was granted, or if the BZA does not specify some longer period for good cause shown.

Division 6. Site Plans. ³²

Section 3-6-1. Purpose and Intent. ³³

- (A) The purpose of these requirements is to promote the good arrangement and orderly development of certain activities in the City and to ensure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. More specifically, the Site Plan shall be used to review:
 - (1) The project’s compatibility with its environment and with other land uses and buildings existing in the area;
 - (2) The ability of the project’s traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians;
 - (3) The quantity, quality, utility, and type of the project’s required community facilities; and
 - (4) The location and adequacy of the project’s landscape improvements and provision for drainage and utilities.

³¹ **Editor’s Note:** Section 3-5-3(A) and (B) contain new language; (C) is materially the same as Article 27, Section 9 of the current Ordinance but has been reworded for clarity and to apply just to variances within this context.

³² **Editor’s Note:** This Division corresponds to Article 38 of the current Ordinance. Existing language regarding appeals has been removed from this Division and included in Division 12 to avoid redundancy.

³³ **Editor’s Note:** This Section incorporates text verbatim from Article 38, Section 1 of the current Ordinance. Section 3-6-1(A)(1) through (4) have been added as new language to provide greater specificity as to how site plans will be used to aid in application review and evaluation.

(B) In addition to adhering to the requirements of this Ordinance, Site Plans shall in all respects conform to all applicable provisions and standards of the Code of Virginia and federal law.

Section 3-6-2. Applicability.

(A) Pursuant to Code of Virginia § 15.2-2286(A)(8), all development in the City requires approval of a Site Plan in accordance with the procedures and standards in this Division prior to the issuance of a Zoning Permit, Building Permit, or Certificate of Occupancy, or any land disturbance for the following:³⁴

- (1) Planned unit developments;
- (2) Any use requiring a SUP;
- (3) Any use classified in **Article 6**, Use Matrix, as the following:
 - (i) Commercial;
 - (ii) Industrial;
 - (iii) Public, Civic, and Recreational;
- (4) The following Residential uses:
 - (i) *Dwelling, Multi-Family*;
 - (ii) *Manufactured Home Park*.
- (5) Any development that involves the provision of public improvements, such as streets, curbs, water, sewer, and stormwater facilities;
- (6) Any parking facility that is to contain 10 or more spaces;
- (7) Any development where the area of land disturbance will be 10,000 sq. ft. or greater, or 2,500 sq. ft. or greater in a Chesapeake Bay Preservation Area, unless otherwise specifically exempted within the Petersburg City Code.
- (8) Additions or expansions to any use listed in **(A)**, above, that increases:³⁵
 - (i) Total building area by 10% or more; or
 - (ii) Parking spaces by 10% or more.

(B) **Exemptions.** The following are exempted from the requirements of this Division:³⁶

- (1) Individually developed single-family detached dwellings.

³⁴ **Editor's Note:** The provisions included in **Section 3-6-2(A)** are materially the same as what is included in Article 38, Section 2 of the current Ordinance, with some revisions for consistency with current Ordinance language. The reference to the applicable section of state code has also been added.

³⁵ **Editor's Note:** The trigger of 10% increase in building area is retained from Article 38, Section 2(i). The existing parking trigger of 10 spaces has been converted to 10% to account for different scales of parking facilities.

³⁶ **Editor's Note:** Exemptions have been introduced for clarity. Note that building code may still require residential construction to have a plot plan or sketch so that zoning can review for setbacks, etc., but a Site Plan in accordance with this Division is not required.

- (2) Individually developed two-family dwellings.
- (3) Accessory structures or improvements 256 sq. ft. or less in area.
- (C) All previously approved Concept Plans shall also submit a Site Plan for administrative approval prior to any site development.
- (D) When a change is proposed that requires additional off-street parking or changes to exterior elements of a previously approved Site Plan, a Site Plan shall be submitted for review to ensure that the change of use can be accomplished within the regulations of this Ordinance.³⁷

Section 3-6-3. Site Plan Standards.³⁸

- (A) Site plans or any portion thereof involving engineering, architecture, landscape architecture or land surveying shall be certified by an engineer, architect, landscape architect or land surveyor authorized by the Commonwealth to practice as such.³⁹
- (B) Site Plans shall be prepared to the scale of 1-inch equals 100 ft. or larger on 24x36-inch sheets, or other scale and sheet size deemed acceptable by the Zoning Administrator.
- (C) Site Plans may be prepared on 1 or more sheets to clearly show the information required by this section and to facilitate the review and approval of the plan. If prepared on more than 1 sheet, match lines shall clearly indicate where the several sheets join.⁴⁰
- (D) When more than 1 sheet is required to cover the entire project, a cover sheet, general in nature, shall be provided to identify all individual sheets of an application in proper relationship to each other.
- (E) All horizontal dimensions shown on Site Plans shall be in feet and decimals of a foot to be closest to 1/100th of a foot.
- (F) When the development is to be constructed in stages or units, a final development schedule shall be included with the Site Plan that shows the order of construction of such stages, an approximate completion date for the construction of each stage, and a final cost estimate of all improvements within each stage for bonding purposes, if applicable.
 - (1) A Site Plan for a particular development stage or unit other than the first shall not be approved until the Site Plan has been approved for the immediately preceding stage or unit.
- (G) One digital copy of each Site Plan shall be provided to the Zoning Administrator as part of the application and subsequent review. The City's Development Review Team shall specify the number of hard copies that are required for purposes of application and subsequent review.⁴¹

³⁷ **Editor's Note:** Proposed addition of text to specify changes in physical development that may require resubmittal of a site plan.

³⁸ **Editor's Note:** Unless otherwise noted, language in this Section is new. This is for the purposes of providing greater specificity for site plan specifications and general policies for submission. The City can amend these as desired.

³⁹ **Editor's Note:** Language retained from Article 38, Section 4 of the current Ordinance.

⁴⁰ **Editor's Note:** This provision is materially the same as what is included in Article 38, Section 4 of the current Ordinance, but language has been amended slightly for clarity.

⁴¹ **Editor's Note:** This provision is materially the same as what is included under Article 38, Section 5, but language has been amended slightly for clarity.

Section 3-6-4. Site Plan Contents.

(A) All Site Plans shall show the following information, unless the Zoning Administrator determines that some of the following information is unnecessary due to the scope and nature of the development proposed:

- (1) A title page containing the following:⁴²
 - (i) The title of the project, tax map reference, and street address;
 - (ii) The nature of the land use(s) proposed for the site;
 - (iii) The name, mailing and emailing address, and phone number of the applicant and property owner;
 - (iv) The name, mailing and emailing address, phone number, signature, seal, and registration number of the plan preparer, and the preparation date of the plan;
 - (v) A 4-inch x 4-inch blank space to serve as the signature panel for the approving authority;
 - (vi) A north point, graphical scale, original date, revision dates, and vicinity map;
 - (vii) Area and present zoning of the site proposed for development;
 - (viii) Adjacent and abutting properties with information on ownership, tax parcel number, zoning and current use;
 - (ix) A table (with computations) estimating the lot coverage ratio and impervious surface ratio;
 - (x) A table (with computations) stating the number of stories, total building height, total floor area, and floor area ratio;
 - (xi) A table (with computations) stating the total number of dwelling, commercial, or industrial units of various types in the project; the overall project density in dwelling, commercial, or industrial units per gross acre; the floor area of each unit; the height of each unit; and
 - (xii) A table (with computations) stating the total number of acres in the project and the percentage and acreage thereof proposed to be allocated to the several dwelling types, any nonresidential uses, off-street parking, green areas, streets, parks, schools, and other reservations.
- (2) Plan sheets containing the following:
 - (i) A legend for any symbols shown on the plan;
 - (ii) Existing topography of the parcel prior to grading and the proposed finished contours of the site with contour intervals of 2 ft. or less;

⁴² **Editor's Note:** (iii), (iv), (v), (ix), (x), and (xi) are proposed new requirements to help aid review; all other requirements are currently included in the Zoning Ordinance.

- (iii) Existing zoning and zoning district boundaries, including special districts, on the property to be developed and on immediately adjacent properties;
- (iv) The boundaries of the property or properties involved, all existing property lines, setback lines, streets, buildings, easements, rights-of-way, watercourses, waterways, wetlands, or lakes, and other existing physical features in or adjoining the project. If on an adjoining property, physical features such as watercourses, waterways, or lakes need only be shown in approximate scale and proportion;
 - (a) If only a portion of a parcel is proposed for development, a limit of development line shall also be shown.
- (v) The proposed traffic circulation pattern, including the location, dimensions, and character of construction of proposed streets, alleys, driveways, and medians; the location, type, and size of ingress and egress to the site; the relationship of internal traffic to external roads; and sight distances at all access points;
- (vi) The estimated daily vehicular trips generated by the proposed development on each road segment shown on the plan;
 - (a) If a proposed development will generate 100 or more peak hour trips, a traffic impact analysis (TIA) shall also be included, unless waived by the Director of Public Works.⁴³
- (vii) The location of all existing off-street parking areas and parking spaces including loading spaces; walkways indicating type of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of spaces provided and the number required by this ordinance; and parking and access for persons with disabilities as specified in the Virginia Uniform Statewide Building Code;
- (viii) The location of existing and proposed sidewalks, curb, and gutter;
- (ix) The location of existing, proposed, or required fire lanes and signs;
- (x) The location of proposed method of supply of adequate electric power and police protection;
- (xi) For sites for which public water or sewer will be provided or for sites on which existing utilities will be modified, detailed utility plans and calculations, in accordance with standards determined by the Director of Public Works or designee;
- (xii) A detailed stormwater management plan and calculations, in accordance with standards determined by the City Engineer or designee;
- (xiii) The location and general design of all existing and proposed freestanding signs on the parcel;

⁴³ **Editor's Note:** The current Ordinance does not include a threshold for when a TIA is required; propose requiring a TIA for any development with 100 or more peak hour trips for clarity and to ease Ordinance administration. The Director of Public Works would retain the ability to waive this requirement.

- (xiv) The location and general design of existing and all proposed exterior lighting, including height of poles and type of fixtures;
- (xv) The location and screening materials of all exterior dumpsters, waste refuse storage, trash compactors, or other outdoor trash receptacles;
- (xvi) A landscape plan showing the location, dimensions, and material descriptions of all existing and proposed screens, buffer yards, or landscaping. The plan shall include the location, height, type, and material of all fences, walls, screen planting, and landscape details of all buildings and grounds;
- (xvii) The location and dimensions of proposed recreation areas, open spaces, recreation facilities, and other amenities and improvements, including a statement of whether such open areas are to be dedicated to the public;
- (xviii) The location of any grave, object, or structure marking a place of burial;
- (xix) The location of any known historic building or feature;
- (xx) The location of any environmentally sensitive features, including steep slopes, shrink swell soils, and the location of endangered species;
- (xxi) The approximate limit of any 100-year flood plain and floodway on the site and the relationship of buildings and structures to this floodplain and floodway;
- (xxii) Delineation of Resource Protection Areas (RPAs) and Resource Management Areas (RMAs) as provided in Chapter 122, Article II, Chesapeake Bay Preservation Areas, of the City Code of Ordinances.⁴⁴
 - (a) Chesapeake Bay Preservation Area designated RPAs shall be disturbed without review and approval per Chapter 122, Article II, of the City Code of Ordinances.
- (xxiii) For the purposes of protecting life and property from impounding structure failure consistent with requirements in Code of Virginia §§ 10.1-602, 10.1-606.3, and 15.2-2284, dam break inundation zones shall be delineated.⁴⁵
 - (a) This requirement does not apply to any development that is proposed to be downstream of a dam for which a dam break inundation zone map is not on file with the City at the time of submission of the Site Plan.
 - (b) All dam break inundation zones shall be identified and labeled with the name of the impoundment and the date of the study that established the dam break inundation zone.
 - i. When a state-regulated impounding structure is proposed to be constructed or altered, an approximate delineation of the future dam break inundation zone shall be provided with the submission of the Site Plan.

⁴⁴ **Editor's Note:** Proposed new requirement for site plans to ensure greater consistency between this Ordinance and applicable Chesapeake Bay Preservation Act areas and regulations.

⁴⁵ **Editor's Note:** Proposed new requirement for site plans to comply with applicable Code of Virginia requirements.

- ii. Site Plans proposing developing within a dam break inundation zone shall be submitted to the Virginia Department of Conservation and Recreation (DCR) for review and adjacent property owners will be notified.
- (c) If DCR determines it would change any spillway design flood standards for an impounding structure, the developer shall submit an engineering study meeting state standards to DCR prior to final approval of the proposed development.
 - i. Following the completion of the engineering study, and prior to any development within the dam break inundation zone, the developer shall change the proposed development so that it does not alter any spillway design flood standards for the impounding structure or shall pay fifty (50) percent of the contract-ready costs for necessary upgrades to any impounding structure attributable to the development, together with administrative fees required by state law.
 - ii. The payment shall be made to the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund as provided by state law.
- (xxiv) For development involving the grading disturbance of greater than 2,500 sq. ft. or 1,000 cubic yards of material, whichever is lesser, an erosion and sedimentation control plan and detail sheet shall be submitted, including a narrative and schedule for maintenance and removal of measures;
- (xxv) For all residential developments, the type of dwelling unit shall be stated along with the number of units proposed. Where necessary for determining the number of required parking spaces, the number of bedrooms in each unit shall also be provided;
- (xxvi) Documentation of all existing proffers, permits, and applications relevant to the parcel, including, but not limited to: Health Department permits; all existing Zoning Permits and zoning applications; applications or approvals for rezonings, Special Use Permits, Variances, and any other local, State, or Federal permits related to the parcel;
- (xxvii) A copy of all covenants, restrictions, and conditions pertaining to the use, maintenance, and operation of all open space areas; and
- (xxviii) Any additional information as required by the Zoning Administrator necessary to evaluate the character and impact of the proposed project.

Section 3-6-5. Standards and Improvements. ⁴⁶

- (A) **Improvements Required.** All improvements required by this Ordinance shall be installed at the cost of the developer and in accordance with design and construction standards of the City of Petersburg.

⁴⁶ **Editor's Note:** Proposed new Division to address standards, improvements, and the need to comply with articulated community design standards as well as applicable requirements of other Chapters of City Code. Performance bonding for site plans is only vaguely addressed in Article 38, Section 9 of the current Ordinance; propose to expand on bonding requirements to provide greater clarity to applicants.

(B) **Specifications.** In cases where specifications have been established by the Petersburg City Council, this Ordinance, the Virginia Department of Transportation (VDOT), or other State or Federal agency, for related facilities and utilities, such specifications shall be followed. The most restrictive specifications will prevail.

(1) In addition to those improvements and standards specified in other sections of this Ordinance, the following minimum standards and improvements shall also be required for all Site Plans:

(i) All streets and sidewalks must be designed in compliance with Chapter 98, Streets, Sidewalks, and Other Public Places, of the City Code of Ordinances, and Article 10, Subdivision, of this Ordinance.

(ii) All landscaping shall be designed in compliance with Article 8, Community Development Standards, of this Ordinance.

(C) **Performance Bond.** After a Site Plan has been approved, and before any construction or land disturbance can occur, the developer shall furnish to the City an irrevocable letter of credit, cash escrow, or bonds (collectively referred to as “performance bond”) from a certified Virginia Lending Institution by corporate surety in a form and amount sufficient to guarantee the completion of all required improvements.

(1) The cost of required improvements shall be determined by a bona fide estimate of construction cost prepared by a duly licensed engineer and such estimate shall be provided at the expense of the developer.

(2) The amount of the performance bond or other guarantee shall be 110% of the estimated construction cost.

(3) In the event the Zoning Administrator has rejected any such agreement or bond, the owners or developer shall have the right to have such determination made by the City Council.

(4) If such performance bond contains an expiration date, provisions shall be made for the extension thereof if all improvements have not been completed 30 days prior to the expiration date.

(5) The performance bond or other appropriate security shall not be released until construction has been inspected and accepted by the department responsible for such improvements as are required to certify compliance with the approved Site Plan and all applicable City standards.⁴⁷

(i) Partial bond releases are permitted and shall adhere to the procedures set forth in Code of Virginia § 15.2-2245(E).

(D) **Supervision and Inspections.** It shall be the responsibility of the owner to provide adequate supervision and inspections on the site during the installation of all required improvements, and

⁴⁷ **Editor’s Note:** This provision is materially the same as what is included in Article 38, Section 11; text has been amended slightly for clarity and to tie this to performance bonding.

to have a responsible supervisor together with one set of approved plans, profiles, and specifications at the site at all times when work is being performed.⁴⁸

- (E) **As-Built Drawings.** As-built drawings of all public improvements shall be required. The City may also require as-built drawings for other site improvements as deemed necessary.⁴⁹
- (F) **Acceptance of Improvements.** The approval of the Site Plan or the installation of the improvements as required in this Ordinance shall in no case serve to bind the City to accept such improvements for maintenance, repair, or operation thereof. Such acceptance of each type of improvements shall be subject to the City and/or State regulations.⁵⁰

Section 3-6-6. Review.

- (A) All Site Plans required under **Section 3-6-2** of this Article are subject to administrative approval by the Planning Director.
 - (1) The Planning Director or designee is responsible for the review, processing, and the requesting of additional agency and consultant reports relative to a Site Plan which has been submitted.
- (B) **Site Plan Review Process.** Unless otherwise provided in another Article of this Ordinance, every Site Plan required by this Article shall be submitted to the Zoning Administrator who shall take the following actions:
 - (1) Review the Site Plans for conformity with applicable development regulations and approved Concept Plans.
 - (2) Transmit said plans to other such staff and agencies as may be necessary for the review, including the Development Review Team, which shall examine the Site Plan with respect to the requirements of this Ordinance.⁵¹
 - (3) The Zoning Administrator shall notify the applicant of the action taken with respect to the Site Plan, which may include approval or disapproval. If disapproved, written comments shall be provided detailing the corrections required for approval.
 - (4) If specified conditions or comments are addressed in revised plans and the plans meet the requirements of this Article, a final Site Plan shall be submitted and approved. After approval, the City shall require that all approved plans be submitted in digital PDF format.⁵²
- (C) **Time Period for Approval.**⁵³ Site Plans shall be approved or disapproved pursuant to Code of Virginia § 15.2-2259.

⁴⁸ **Editor's Note:** This provision is materially the same as what is included in Article 38, Section 11, #3 but has been slightly amended for clarity.

⁴⁹ **Editor's Note:** This provision is included in Article 38.

⁵⁰ **Editor's Note:** This provision is materially the same as what is included in Article 38, Section 11, #5 but has been slightly amended for clarity.

⁵¹ **Editor's Note:** This is materially the same as text included in Article 38, Section 6.

⁵² **Editor's Note:** Included in Article 38.

⁵³ **Editor's Note:** The time period for approval has been simplified to state code reference for flexibility if regulations change.

Section 3-6-7. Site Plan Amendments.⁵⁴

(A) Site Plan for Previously Approved Concept Plan.

- (1) If it becomes necessary for an approved Site Plan for a previously approved Concept Plan for a SUP or Rezoning to be changed, the Planning Director may, at the applicant's request, administratively approve a minor amendment to the Site Plan if the change or amendment does not:
 - (i) Alter a recorded plat;
 - (ii) Conflict with specific requirements of this Ordinance or proffered conditions;
 - (iii) Change the general character or content of an approved Concept Plan or use;
 - (iv) Have an appreciable effect on adjoining or surrounding property;
 - (v) Result in any substantial change of external access points;
 - (vi) Decrease the minimum specified yard and open spaces; and
 - (vii) Substantially change architectural or site design features.
- (2) Amendments such as but not limited to, the elimination of any use shown or the addition of any use not shown on the Concept Plan, or any increase or decrease in the density of the development from the approved Concept Plan, shall require approval of a Concept Plan amendment through the applicable rezoning or SUP process.

(B) Site Plan Not Associated with an Approved Concept Plan. If it becomes necessary for an approved Site Plan to be changed, the Planning Director may, at the applicant's request, administratively approve minor amendment(s) to the Site Plan if the change or amendment complies with this Ordinance.

- (1) If an approved Site Plan proposes any of the proposed amendments listed in (A)(1), above, it shall be resubmitted as a new application to the Planning Director and reviewed in accordance with the standards of this Division.

(C) Time Period for Approval. Site Plan Amendments shall be approved or disapproved pursuant to the Code of Virginia § 15.2-2259.

Section 3-6-8. Compliance with Site Plan Required.

- (A) It shall be unlawful for any person to construct, erect, or substantially alter any building or structure, or develop, change, or improve land for which a Site Plan is required, except in accordance with an approved Site Plan. Deviation from an approved Site Plan without the written approval of the Zoning Administrator shall void the Site Plan and require submission of a new Site Plan for approval.⁵⁵

⁵⁴ **Editor's Note:** Administrative approval of minor revisions to a site plan is addressed in Article 38, Section 7; however, this language is vague and new text has been proposed here to add greater specificity.

⁵⁵ **Editor's Note:** This provision is materially the same as Article 38, Section 10(2).

- (B) No permit shall be issued for any structure in any area covered by the Site Plan that is required under the provisions of this Article except in conformity with such Site Plan which has been duly approved.
- (C) The Zoning Administrator shall be responsible for enforcing the requirements as set forth in the approved Site Plan, before issuance of a Certificate of Occupancy, and shall give written notice to the Building Official that the site has been developed in accordance with the approved Site Plan before issuing the Certificate of Occupancy.
- (D) No Certificate of Occupancy shall be issued for any structure until all site improvements necessary to ensure safe and adequate access, including streets and related infrastructure, have been completed, and all streets have been accepted by the City. Other required site improvements not essential to safe occupancy may be bonded with surety, in accordance with **Section 3-6-5** of this Article. Upon approval of such bond and surety by the Zoning Administrator, a Certificate of Occupancy may be issued for the completed structures.

Section 3-6-9. Period of Validity.⁵⁶

- (A) Validity of a Site Plan approved under this Division shall be pursuant to Code of Virginia § 15.2-2261.
- (B) The application for and approval of minor modifications to an approved Site Plan shall not extend the period of validity of such plan and the original approval date shall remain the controlling date for purposes of determining validity.

Division 7. Zoning Permits.⁵⁷

Section 3-7-1. Purpose and Intent.

The purpose of a zoning permit is to ensure that all uses, structures, signs, site features, and buildings in the City of Petersburg demonstrate full compliance with the provisions of this Ordinance prior to the commencement of construction or the operation.

Section 3-7-2. Applicability.

- (A) The regulations of this Division shall apply to all:
 - (1) Structures, fences, walls, and signs that do not require a building permit, in accordance with Chapter 22, Buildings and Building Regulations, of the City Code; and
 - (2) Uses specified as requiring a Zoning Permit in **Article 7**, Use Performance Standards, of this Ordinance.

⁵⁶ **Editor's Note:** This Section is proposed to replace Article 38, Section 10. Language has been amended for clarity and to include direct reference to the applicable section of state code.

⁵⁷ **Editor's Note:** This is a proposed new division to outline the requirements for zoning permits more clearly. The City introduced the zoning permit process in the summer of 2024; text has been introduced to align with the information required.

- (B) No zoning permit shall be issued for any of the above unless it complies with the provisions of this Ordinance, or a SUP, variance, or written order from an appeal has been approved as provided by this Ordinance.

Section 3-7-3. Standards and Procedures.

(A) The following shall be submitted to the Zoning Administrator for review of the Zoning Permit:

- (1) When Site Plans are not required per **Section 3-6-2** of this Article, each Zoning Permit application shall be accompanied by one paper copy and one digital copy of the most recent plat of record of the land to be built upon. If no such plat exists, the applicant shall provide a scaled copy of as-built drawings or aerial GIS map, with dimensions, that shows the following. The Zoning Administrator may waive any of these requirements if not pertinent to the proposal.
 - (i) Lot lines;
 - (ii) Size, location, and use of existing buildings on the lot, including setback measurements from each property boundary;
 - (iii) Suitable notations indicating the proposed use of all land and buildings;
 - (iv) Points of connection to public water and sewer and/or location of wells and septic systems and reserve drainfields;
 - (v) The proposed nature and manner of grading the site, including proposed treatment of slopes more than 10% to prevent soil erosion and excessive runoff. In cases where an erosion and sedimentation control permit is required, the necessary plans and data must be submitted as required in Chapter 50, Article V, Erosion and Sediment Control Ordinance, of the City Code;
 - (vi) Delineation of all floodplain limits;
 - (vii) Delineation of RPAs and RMAs in accordance with Chapter 122, Article II, Chesapeake Bay Preservation Areas of the City Code;
 - (viii) Such other information as may be necessary to provide for the enforcement of these regulations; and
 - (ix) A statement signed by the applicant which states:
 - (a) “The information given is correct to the best of my/our knowledge, including any attached plans, drawings, or supplemental information; and I/we accept liability for any land disturbance or construction that is in violation of the City of Petersburg Zoning and Subdivision Ordinance.”
- (2) If determined necessary by the Zoning Administrator in a specific case, a boundary survey, and a staking of the lot by a licensed surveyor and complete construction plans will be required.

Division 8. Temporary Use Permits.⁵⁸

Section 3-8-1. Purpose and Intent.

The purpose of a temporary use permit is to ensure that any non-permanent, short-term uses are harmonious and compatible with the character of the surrounding area; to provide for the mitigation of any potentially adverse impacts of such uses; and to ensure that such uses are not detrimental to the health, safety, and welfare of the community.

Section 3-8-2. Applicability.

Any temporary use as identified in **Article 6**, Use Matrix, of this Ordinance, shall not be conducted or erected without a temporary use permit issued by the Zoning Administrator or a Certificate of Occupancy issued by the Building Official in accordance with the requirements of this Division.

Section 3-8-3. Standards and Procedures.

(A) All applications for a Temporary Use Permit shall be submitted to the Zoning Administrator.

(1) Temporary uses involving the use of a permanent or temporary structure must be accompanied by a Concept Plan in accordance with **Section 3-1-5(E)** of this Ordinance.

(B) **Permitting Standards.** No Temporary Use Permit shall be issued unless the applicant demonstrates that the following requirements are met:

- (i) The proposed temporary use must not be an otherwise permitted use in the zoning district in which the use is located;
- (ii) Adjacent uses shall be suitably protected from any adverse effects of the use;
- (iii) The use shall not create hazardous conditions for vehicle or pedestrian traffic, or result in traffic in excess of the capacity of the streets serving the use;
- (iv) Adequate parking is provided for both the Temporary Use and any existing permanent uses established on the site;
- (v) Adequate refuse management, security, emergency services, and similar necessary facilities and services must be available for the temporary use or structure, and all necessary sanitary facilities will be approved by the Department of Public Works;
- (vi) The site is suitable for the proposed use, considering flood hazard, drainage, soils, and other conditions which may constitute a danger to life, health, or property;
- (vii) The use shall not have a substantial adverse impact on the natural environment, including trees, ground cover, and vegetation; and

⁵⁸ **Editor's Note:** This is a new Division and permit process. The benefit of having temporary use permits is that it allows approval of non-permanent events such as festivals, parties, and street closures (e.g., sip and stroll) in an administrative capacity, making it easier for these events to occur in a way that is safe and beneficial without requiring extra time for Council review and hearings. It also provides the City with an enforcement mechanism for temporary events that are threatening community health, safety, and welfare, or are attempting to bypass use regulations.

- (viii) The use shall not have a substantial adverse impact on public safety.
- (2) The Zoning Administrator may impose reasonable conditions on the proposed temporary use to ensure compliance with these standards, or other applicable provisions of the law.
- (C) **Bond Required.** A security bond or certified check in a total amount of \$2,500.00 shall be required if attendance is expected to exceed 1,000 persons at any singular point in time during the duration of the event. An additional amount of \$500.00 shall be required for each additional 500 persons over 1,000.
 - (1) Provided there is no claim to harm, damages, or incidence to the City, the bond will be refunded within 60 days after cleanup of the event has been fully completed.

Section 3-8-4. Period of Validity.

- (A) **Duration.** A Temporary Use Permit shall be valid for 6 months or less from the date of approval, as determined by the Zoning Administrator.
- (B) **Extension.** A request for an extension of such permit shall be made to the Zoning Administrator at least 30 days prior to the expiration of the original time limit, who will make an administrative decision for approval or denial.
 - (1) After 2 extensions have been requested and approved, a SUP shall be obtained in accordance with **Division 4** of this Article in order to continue the use.⁵⁹
 - (i) A temporary use that has obtained 2 extensions shall only be eligible for a SUP in accordance with **Article 6**, Use Matrix.
- (C) **Termination.** At the end of such permitted time period, including extensions as approved by the Zoning Administrator, the use shall be discontinued and all temporary structures and signs removed within 48 hours.
- (D) **Revocations.** Any Temporary Use Permit issued pursuant to this Ordinance may be revoked by the Zoning Administrator if it is determined there has not been compliance with the conditions of the Permit.
 - (1) Such revocation will be delivered to the owner or operator of the use, by hand-delivery or certified mail, setting forth the following:
 - (i) Reason(s) for the revocation;
 - (ii) Date and time upon which the revocation is effective; and
 - (iii) The appeals procedure, in accordance with **Division 12** of this Article.

⁵⁹ **Editor's Note:** Recommend adding this provision to eliminate a possible loophole where an applicant could avoid a SUP by simply applying for extension of a temporary use permit every year. While most temporary uses are truly temporary, some may not be, and should require additional review by the City if they are proposed to extend for a lengthy period of time. Further, the temporary use may only be eligible for an SUP if provided for in **Article 6**, Use Matrix.

Division 9. Certificate of Occupancy.⁶⁰

Section 3-9-1. Applicability.

No person shall occupy or change the occupancy of a building or structure, or part thereof, hereafter created, erected, changed, converted, altered, excavated, or enlarged, wholly or partly, until a Certificate of Occupancy (CO) has been issued by the Building Official as provided in the City Code and required by the Virginia Uniform Statewide Building Code.⁶¹

Section 3-9-2. Standards and Procedures.

Certificates of Occupancy shall be approved in accordance with the Virginia Uniform Statewide Building Code and the City Code.

Division 10. Certificate of Appropriateness.

Section 3-10-1. Purpose and Intent.

The purpose of a Certificate of Appropriateness is to protect designated historic properties and historic districts from alterations, deterioration, and demolition, and to ensure that new buildings are compatible with the existing character of the district, in accordance with Code of Virginia § 15.2-2306.

Section 3-10-2. Applicability.⁶²

(A) A Certificate of Appropriateness shall be required in any historic overlay district⁶³, as regulated in **Article 5**, Overlay Zoning Districts, of this Ordinance and designated on the official Historic Areas Map for:

- (1) The erection, construction, alteration or restoration of any building, structure, or landscape;
- (2) The razing, demolition, or movement of any building, structure, or landscape;
- (3) The alteration of any exterior architectural feature on any building or structure, regardless of the requirement for a building permit; or
- (4) The erection, construction, modification, or restoration of any sign, which does not satisfy the requirements of **Article 8, Division 9**, of this Ordinance.

⁶⁰ **Editor's Note:** Certificate of Occupancy standards have been streamlined

⁶¹ **Editor's Note:** This provision is included in Article 30, Sections 2 and 4 of the current Ordinance. Section 1 text requiring a CO for vacant land has been removed; it is generally unnecessary to have a CO for vacant land unless there is a temporary use or event occurring, which would also be addressed through the provisions of Division 8.

⁶² **Editor's Note:** This Section includes language from Article 35, Section 6 of the current Ordinance, but reorganizes and streamlines it for clarity.

⁶³ **Editor's Note:** The current Ordinance reads "historic area" but there is no official designation on the City's Zoning Map; propose to establish a new historic zoning overlay (to be drafted as part of **Article 5**, Overlay Zoning Districts) and connect certificates of appropriateness to structures within this district.

- (B) These requirements shall not apply when the work proposed would not be subject to public view from a street or other public place.⁶⁴

Section 3-10-3. Standards and Procedures.

- (A) **Application.** Only an owner of the subject property, an owner’s representative, or a tenant with the owner’s written approval may apply for a Certificate of Appropriateness.

- (1) An application for a Certificate of Appropriateness shall be submitted to the Administrator and include all relevant information concerning the proposal, including but not limited to:⁶⁵
 - (i) Samples of colors and materials to be used;
 - (ii) Photographs of the current structure;
 - (iii) Renderings of proposed changes; and
 - (iv) Prospective views, elevations, plot plans, and outline specifications.
- (2) The Preservation Planner may require additional information as deemed reasonably necessary to evaluate the application.
- (3) Within ten (10) days of receiving an application, the Administrator shall determine whether it is complete. Should the application be incomplete, the applicant shall be notified in writing of any deficiencies.⁶⁶

- (B) **Standards for Review.** Complete applications shall be reviewed in accordance with **Section 3-1-6** of this Article.

- (1) **Administrative Review.**⁶⁷
 - (i) Notwithstanding any contrary requirement of this Article, within 14 days of application completeness, the Preservation Planner may review and administratively approve applications for the following exterior changes:
 - (a) New paint colors;
 - (b) In-kind repair;
 - (c) Exploratory demolition;
 - (d) Fencing when height and material requirements are met;
 - (e) In-kind roof replacement; and

⁶⁴ **Editor’s Note:** Provision retained from Section Article 35, Section 6.

⁶⁵ **Editor’s Note:** This language in (A) is materially the same as what is included in Article 35, Section 9 of the current Ordinance, but has been amended for clarity. The language has also been altered to require submittal to City staff prior to review by the ARB.

⁶⁶ **Editor’s Note:** Proposed new requirement to provide timeframe for determining application completeness; this informs (B) below.

⁶⁷ **Editor’s Note:** An option for administrative review has been added for certain minor work that does not substantially change the existing building’s exterior. A timeframe of 30 days have been provided for consistency with ARB timeframes.

(f) Emergency Demolition.

(2) **Architectural Review Board Review.** After an application is deemed complete, the ARB shall have 30 days from the date of such determination to review the application in accordance with the standards of this Ordinance.⁶⁸

(i) The ARB shall utilize the *Secretary of the Interior's Standards for Rehabilitation* and the *City of Petersburg Historic Districts Design Guidelines* for guidance in considering the application, in addition to considering the following elements of architectural compatibility:

(a) General design;

(b) Character and appropriateness of design;

(c) Form;

(d) Proportion and scale;

(e) Mass;

(f) Configuration;

(g) Arrangement;

(h) Texture;

(i) Material;

(j) Color;

(k) The relationship of such elements to similar features of structures in the immediate surroundings; and

(l) Prevention of developments which are not in harmony with prevailing characteristics, or which are obviously incongruous with the character of the historic area.

(ii) In making a determination of whether a proposed structure or modification to a structure is architecturally compatible, the ARB shall balance the importance of the historic structure or detail sought to be preserved or restored and the costs of construction or alteration that would be historically sensitive.

(iii) The ARB shall hold a public meeting to consider the application within 60 days of the application being determined to be complete. The ARB shall provide public notice of the date, time, and location of the public meeting. Such notice shall be posted in the office of the Preservation Planner and on the City of Petersburg website.

(iv) Following the public meeting, the ARB shall either issue, issue with reasonable conditions, or deny the Certificate of Appropriateness. The Zoning Administrator shall

⁶⁸ **Editor's Note:** This includes the procedure articulated in Article 35, Section 10, but changes the meeting timeframe to 30 days from the date of determination of completeness.

notify the applicant, in writing, of its decision, including the specific reasons for making the decision, and the options for appeal.

- (v) If the ARB has not met and decided within 60 days of the application being determined complete, and no mutual agreement between the applicant and the ARB has been made for an extension of time, the Zoning Administrator shall submit the application to City Council who shall hold a public hearing to review the application after public notice has been provided in accordance with **Division 13** of this Article.⁶⁹
- (vi) The ARB may, at its discretion, issue a temporary Certificate of Appropriateness to an applicant who does not meet the necessary requirements of the *Secretary of the Interior's Standards for Rehabilitation* and/or the *City of Petersburg Historic Districts Design Guidelines*, but only if the applicant meets all of the following requirements:
 - (a) Strict application of this article would produce undue hardship;
 - (b) The proposed work would not be of such a permanent nature as to preclude future activity which would meet compatibility compliance;
 - (c) No such temporary certificate shall be issued to allow the proposed work to exist for a period longer than 2 years.⁷⁰

(C) **Reconsiderations.**⁷¹ At any time after disapproval, the applicant may resubmit an application, with amendments as necessary, which shall be processed in the same manner as set forth in this Division.

(D) **Appeals.** Appeals shall be in accordance with **Division 12** of this Article.

(E) **Demolition, Razing, or Moving of Structures.**⁷²

- (1) In addition to the right of appeal as stated in **(D)**, above, the owner of a building or structure located within a historic overlay district, the razing, demolition, or moving of which would otherwise require a Certificate of Appropriateness under **Division 10** of this Article shall be entitled to raze, demolish, or move such building or structure, provided that:
 - (i) The owner has applied for demolition approval from the ARB, or from City Council in the instance of an appeal;
 - (ii) The owner has, for the period of time set forth in **Table 3-1**, and at a price reasonable related to its fair market value, made a bona fide offer to sell such landmark, building or structure, and the land pertaining thereto, to the City of Petersburg, or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto; and

⁶⁹ **Editor's Note:** This language is included in Article 35, Section 10 of the current Ordinance but modified for clarity.

⁷⁰ **Editor's Note:** Time frame has been reduced from 5 years to 2 years.

⁷¹ **Editor's Notes:** This language is pulled verbatim from Article 35, Section 11 of the current Ordinance.

⁷² **Editor's Notes:** The provisions of (H) are materially the same as what is provided for in Article 35, Section 15 of the current Ordinance, but have been reorganized and simplified for clarity. A table has also been added to clearly state the time schedule for offers.

- (iii) No bona fide contract, binding all parties thereto, shall be executed for the sale of any such landmark, building, or structure, and the associated land, prior to the expiration of the applicable time period established in **Table 3-1**, below.
- (iv) Any appeal of the ARB or City Council’s decision shall not affect the owner’s right to make the bona fide offer to sell.
- (v) No offer to sell will be made more than 1 year after City Council’s decision. However, the owner may renew their request to City Council to approve the razing or demolition of the historic landmark, building or structure.
- (vi) The time period specified in **Table 3-1** will commence upon the City’s receipt of the owner’s written notification of their intention to sell a landmark, building, or structure within a historic overlay district. Within 5 days of receipt, the City shall convey a copy of such notification to the ARB. This notification statement shall include:
 - (a) Identification of the subject property;
 - (b) Offering price; and
 - (c) Name of the real estate agent, if applicable.

Table 3-1. Offers to Sell Time Periods.⁷³

VALUE OF PROPERTY	MINIMUM OFFER TO SELL PERIOD
Less than \$25,000	3 months
\$25,000 – \$39,999	4 months
\$40,000 – \$54,999	5 months
\$55,000 – \$74,999	6 months
\$75,000 – \$89,999	7 months
\$90,000 or more	12 months

- (2) Nothing in this Ordinance shall limit the authority of the City to order the razing, moving, or demolition of any landmark, building, or structure within a historic overlay district which is determined to be in an unsafe condition that poses a danger to life, or property in violation of the Virginia Uniform Statewide Building Code, as determined by the Building Official.
- (3) A demolition order issued by the Building Official for an unsafe historic landmark building or structure may be made without the approval of the ARB.

(F) Expiration or Revocation.⁷⁴

- (1) Approval of a Certificate of Appropriateness shall expire 12 months from the date of issuance, unless otherwise indicated, if the applicant has failed to establish the use or diligently pursue construction.

⁷³ **Editor’s Note:** The values and time frames in **Table 3-1** are derived from Code of Virginia § 15.2-2306(A)(3).

⁷⁴ **Editor’s Note:** Addition of language addressing expiration or revocation of certificates of appropriateness as a best practice for enforcement.

- (i) If the Certificate of Appropriateness is issued to correct a violation of this Ordinance, the corrective work shall be completed within 6 months of the date of issuance, unless a different time frame is specified based on the scope of the required work.
 - (ii) The ARB may grant an extension of up to 12 months upon receiving a written request from the applicant, with good cause shown, at least 30 days before the expiration of the original time limit.
- (2) Should an applicant be found in violation of conditions of approval or the requirements of this Ordinance, the recipient of the Certificate of Appropriateness shall be subject to the provisions of **Article 2, Division 5** of this Ordinance, which may include revocation by City Council.
- (3) Approval may be revoked by City Council for unremedied or repeated violations of any conditions or failure to satisfy the requirements of this Ordinance only after conducting a public hearing, with notice given in accordance with **Division 13** of this Article.

Section 3-10-4. Historic Building Designation.

- (A) **Initiation.** Property owners who desire their buildings to be certified as a “Petersburg Historic Building” may apply for such designation by the ARB. Included in such application shall be information that the board may require in order to make a determination in accordance with the requirements listed in **(B)**, below.
- (B) **Architectural Review Board Review.** After an application is deemed complete, the ARB shall have 30 days from the date of such determination to review the application in accordance with the following requirements for qualification:
- (1) The building must be 60 years of age, or older;
 - (2) The exterior facade of the building must be restored to the original materials and colors. Original facades may include additions or alterations made to the building provided they do not detract from its architectural significance;
 - (3) The building must be of architectural or historic significance, and listed upon the survey of historic structures of the City of Petersburg.
- (C) **Notification.** Applicants shall be notified as to the ARB’s decision by its Secretary.
- (D) **Designation Plaque.** Those owners whose buildings are certified by the ARB shall cause the certification documents to be recorded in the clerk's office of the Circuit Court; the clerk to charge such reasonable fee as is necessary to defray the cost of recordation.
- (1) Upon evidence of recordation and payment of any fees, the designation plaque shall be issued to the owner
 - (2) The owner shall place this plaque upon the building so designated, in the location and in the manner as prescribed by the ARB, within 30 days of receipt thereof.
- (E) **Revocation.**

- (1) The plaque so issued shall remain the property of the City of Petersburg, and, in any case where the plaque is not placed in the manner as prescribed by the ARB, the ARB shall take action to regain possession of the plaque.
- (2) Owners of a "Petersburg Historic Building" shall maintain the exterior facade of such buildings in both condition and appearance. The ARB may rescind the historic building designation and regain possession of the plaque if it is determined that alterations or modifications have caused variation from its approved condition and appearance.

Division 11. Zoning Determinations.

Section 3-11-1. Purpose and Intent.

In administering, interpreting, and enforcing this Ordinance, the Administrator shall provide a written response to persons who have filed a specific request in writing for a decision or determination on zoning matters within the scope of the Administrator's authority.

Section 3-11-2. Standards and Procedures.

- (A) Following a written request detailing the determination being requested and the address and/or tax map number of the subject parcel(s), the Administrator's response shall be provided within 90 days of the date of the request unless the requestor agrees to a longer period.
- (B) When the requestor is not the owner or the owner's agent of the property subject to the request, the Administrator, in accordance with the Code of Virginia § 15.2-2204(H), will provide written notice within 10 days of receipt of the request to the owner of the property at the owner's last known address as shown on the City's real estate assessment records.
- (C) The Administrator's written decision or determination must include a statement informing the recipient of the right to appeal the decision as provided in **Division 12** of this Article.

Division 12. Appeals.

Section 3-12-1. Appeals of Zoning Administrator Determinations and Decisions.⁷⁵

- (A) Pursuant to the Code of Virginia § 15.2-2311, appeal to the BZA may be taken by any person aggrieved or by any officer, department board or bureau of the City affected by any decision of the Zoning Administrator or from any order, requirement, decision, or determination made by any other administrative officer in the administration or enforcement of this Ordinance.
- (B) Such appeal will be taken within 30 days after the decision appealed from by filing with the Zoning Administrator and with the BZA, a notice of appeal specifying the grounds thereof. The Zoning Administrator will transmit to the BZA all the papers constituting the record upon which the action appealed from was taken.

⁷⁵ **Editor's Note:** Article 26A, Section 5 permits appeals of the Administrator determinations to the BZA. New text has been added to provide the timeframe for appeals and conditions under which a decision or interpretation can be reversed or modified.

(1) Notwithstanding the above, pursuant to the Code of Virginia §§ 15.2-2259 and 15.2-2260, an applicant may appeal a denied site plan to the City of Petersburg Circuit Court within 60 days of the decision.

(C) A decision or interpretation of the Zoning Administrator will be presumed correct and may not be reversed or modified unless there is evidence in the record that the decision is not correct, based on the relevant procedures and review standards of this Ordinance.

Section 3-12-2. Appeals to the Board of Zoning Appeals (BZA) Procedures.⁷⁶

(A) Pursuant to the Code of Virginia § 15.2-2312, procedures for submitting an appeal shall be as follows:

(1) **Procedure.** Appeals shall be mailed from the applicant seeking appeal to the BZA in care of the Zoning Administrator. Once determined complete, the Zoning Administrator shall submit the appeal, along with a written staff report, to the BZA and the Director of Planning and Community Development.⁷⁷

(i) **Hearing.** The BZA shall fix a reasonable time for the hearing of an application or appeal, give public notice as outlined in **Division 13** of this Article as well as due notice to the parties in interest, and decide the same within 90 days of filing of the appeal.

(ii) **Decisions.** In exercising its powers, the BZA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from. In any appeal, if a BZA's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.

Section 3-12-3. Appeals of BZA, Planning Commission, or City Council Decisions.⁷⁸

(A) Pursuant to the Code of Virginia §§ 15.2-2314 and 15.2-2285, any person or persons jointly or severally aggrieved by any decision of the BZA, Planning Commission, or City Council, or any taxpayer or any officer, department, board, or bureau of the City, may appeal the decision to the Circuit Court of the City of Petersburg.

(B) An application specifying the grounds on which the applicant is aggrieved shall be submitted within 30 days after the final decision.

Section 3-12-4. Appeals of ARB Decisions.

(A) **Appeals.** Pursuant to Code of Virginia § 15.2-2306:

⁷⁶ **Editor's Note:** Article 27, Section 3 partially addresses procedures for appeals to the BZA, but there are not currently provisions for making a decision of 90 days of filing. New text has been added to reflect this, with direct reference to the pertinent section of state code.

⁷⁷ **Editor's Note:** Article 27, Section 3 tasks the Building Inspector with transmitting a notice of appeal to the BZA, which is in conflict with Code of Virginia § 15.2-2311. Propose to authorize the Administrator to handle this task to align with state code.

⁷⁸ **Editor's Note:** Proposed addition of text; this required provision of the Code of Virginia is not included in the current Ordinance.

- (1) Any property owner aggrieved by any final decision of the ARB may, within 30 days of such decision, appeal to City Council by filing an appeal letter with the Clerk of Council.⁷⁹
 - (i) City Council shall hold a public hearing in accordance with **Division 13** of this Article no later than 30 days after receipt of an appeal letter with the Clerk of Council.
- (2) Any property owner aggrieved by any final decision of City Council may file an appeal in accordance with **Section 3-12-3**, above.⁸⁰

Section 3-12-5. Construction in Violation of Ordinance without Appeal to BZA.⁸¹

- (A) Pursuant to the Code of Virginia § 15.2-2313, construction of a building with a valid building permit deemed in violation of this Ordinance may be prevented, restrained, corrected, or abated by suit filed within 15 days after the start of construction by a person who had no actual notice of the issuance of the permit.
- (B) The court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the Zoning Administrator to the BZA.

Section 3-12-6. Stay of Proceedings.⁸²

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Administrator certifies to the BZA that by reason of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the BZA or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.

Division 13. Public Hearings and Notifications.

Section 3-13-1. Public Hearing and Notice Required.

- (A) Advertising and notice for public hearings shall be conducted in accordance with Code of Virginia § 15.2-2204, and as outlined in this Division.
 - (1) The City of Petersburg shall pay the cost of any required notice, except as provided in **Section 3-13-2(D)(1)**.

⁷⁹ **Editor's Note:** This procedure is provided in Article 35, Section 13; the proposed text here is materially the same but has been greatly streamlined for simplicity.

⁸⁰ **Editor's Note:** This procedure is provided in Article 35, Section 14, but has been greatly streamlined for simplicity and to allow the provisions of **Division 12** to govern.

⁸¹ **Editor's Note:** Proposed addition of text; this required provision of the Code of Virginia is not included in the current Ordinance.

⁸² **Editor's Note:** Stay of proceedings is partially addressed in Article 35, Sections 13 and 14. Text has been edited for clarity and to apply to all appeal proceedings.

Section 3-13-2. Posting Notice on Property.^{83, 84}

- (A) Additional notice of all public hearings involving SUPs, Variances, and Zoning Map Amendments (Rezoning) shall be provided by means of a sign or signs posted on the subject property which indicates that Zoning action is pending.
- (B) The City shall provide the sign and shall be responsible for posting the sign on the subject property as required below. The applicant shall be responsible for maintaining the sign.⁸⁵
- (C) The sign shall be posted on the subject property at least 14 days preceding a public hearing on the proposed SUP, rezoning, or variance.⁸⁶
 - (1) The sign shall specify notice of requested zoning change; the requested classification; and the date, time, and location of the public hearing.
 - (2) If the application addresses more than one property, signage shall be placed every 300 ft. along each public street frontage adjoining the area subject to the petition.
 - (3) The sign shall be so placed as to be clearly visible from the road.
 - (4) The sign shall remain posted in good condition on the property until City Council has disposed of the petition.
 - (5) The holding of a public hearing or the validity of action on an application will not be affected by the unauthorized removal of a notice which has been posted in accordance with this Section.
 - (6) It will be unlawful for any person, except the Zoning Administrator or designee, to remove or tamper with any sign furnished during the period it is required to be maintained under this Section.
- (D) It will be the duty of the property owner or applicant at the hearing to prove by sworn affidavit to the Department of Planning & Community Development that they have fully complied with the requirements of this section and has continuously maintained the sign or signs in good condition, up to the time of the hearing.
 - (1) If a sign is damaged or destroyed during the duration of its posting, the applicant shall be responsible for providing a replacement sign to the City.⁸⁷

⁸³ **Editor's Note:** This is an optional provision of state code that Petersburg currently chooses to incorporate in Article 28, Section 4, but language has been updated to align with the most current requirements of § 15.2-2204 and provide greater clarity for where signs shall be placed, how long they can be erected, and how they shall be maintained.

⁸⁴ **Editor's Note:** This Section is materially the same as Article 28, Section 4, but has been restructured and amended for clarity.

⁸⁵ **Editor's Note:** This provision is carried over from Article 28, Section 4, with minor revisions for clarity.

⁸⁶ **Editor's Note:** Article 28, Section 4 currently requires posting of notification signs within 5 days of application submittal. This requirement has been revised so that notification signs must be posted at least 14 days prior to the public hearing; this timeframe is in the middle of the first advertisement time period set by state code (between 7-28 days before the first public hearing).

⁸⁷ **Editor's Note:** This is currently required in Article 28, Section 4. Propose requiring a sworn affidavit to demonstrate compliance as an additional enforcement mechanism for the City.

Section 3-13-3. Waiver of Notice.⁸⁸

Actual notice of, or active participation in, a public meeting for which written notice is required will waive the right of that party to challenge the validity of the proceedings based on failure of notice.

⁸⁸ **Editor's Note:** Proposed new text to address waiver of notice.

Table 3-2. Summary of Required Notice (For Reference Only).⁸⁹

TYPE OF APPLICATION	TYPE OF NOTICE						
	PUBLISHED NOTICE (NEWSPAPER)	MAILED NOTICE TO AFFECTED OWNERS	MAILED NOTICE TO ADJACENT OWNERS	MAILED NOTICE TO INCORPORATED PROPERTY OWNERS ASSOCIATIONS	MAILED NOTICE TO ADJACENT LOCALITIES	INDIVIDUAL NOTICE TO MILITARY BASES AND INSTALLATIONS, AND PUBLIC USE AIRPORTS	POSTED NOTICE ON PROPERTY
Zoning & Subdivision Text Amendments	Yes	No, unless decreasing residential density or establishing a historic district	No	No	No	No	No
Zoning Map Amendments (25 or fewer parcels)	Yes	Yes	Yes	Yes, If proposal in planned development and any association member owns property within 2,000 feet of proposal	Yes, if proposal is within ½ mile of adjoining locality	Yes, if proposal involves any parcel within 3,000 feet of the boundary of the facility	Yes, if proposal is applicant initiated
Zoning Map Amendments (More than 25 parcels) or Decrease of Residential Density	Yes	Yes, for lots 11,500 square feet or greater	No				
Special Use Permits allowing a change in use, or an increase by greater than 50% the bulk or height of an existing building; and Special Exception Permits	Yes	Yes	Yes	No		Yes, if proposal involves any parcel within 3,000 feet of the boundary of the facility (applies only to Special Use Permits for a change in use)	Yes, if proposal is applicant initiated
Variances, Appeals of Official Determinations, and BZA Interpretations of District Maps	Yes	Yes	Yes	No	No	No	No
Site Plans	No	No	No	No	No	No	No
Certificate of Appropriateness	No*	No*	No*	No*	No	No	No*

*Unless ARB decision is appealed to City Council, then a public hearing is required and may mandate additional notice.

⁸⁹ **Editor's Note:** Proposed addition for ease of reference. This also helps facilitate future updates if/when Code of Virginia requirements are amended.

ARTICLE 4. Primary Zoning Districts.

Division 1. Establishment and Intent.¹

Section 4-1-1. Intent.

- (A) **Intent.** Land within the City of Petersburg, as it exists at the time of this Ordinance being enacted, is hereby divided into classes of primary zoning districts to:
- (1) Regulate and restrict the location and use of buildings and land for trade, industry, residence, and other purposes in accordance with the objectives of the City of Petersburg Comprehensive Plan;
 - (2) Regulate and restrict the location, height, and size of buildings hereafter erected or structurally altered; and
 - (3) Ensure adequate setbacks, open spaces, and public facilities to support the City's population.

Section 4-1-2. Primary Zoning Districts Established.

- (A) To carry out the purpose stated in **Article 1**, In General, of this Ordinance and **Section 4-1-1(A)**, the City of Petersburg is hereby divided into primary zoning districts as shown in **Table 4-1**, the boundaries of which shall be shown on the Zoning Map.
- (B) For reference purposes throughout this Ordinance, unless specifically provided to the contrary, the following terms shall be used to refer to primary zoning districts:
- (1) “Residential district” shall include the R-1A, R-1, RMH, RTH, R-2, R-3, R-4, R-5, and R-1 districts;
 - (2) “Commercial district” shall include the B-1, B-2, and B-3 districts;
 - (3) “Mixed-Use district” shall include the RB, MXD-1, MXD-2, MXD-3, and ERC districts;
 - (4) “Industrial district” shall include the M-1 and M-2 districts;
 - (5) “Planned district” shall include the PUD district; and
 - (6) “Agricultural district” shall include the A district.

¹ **Editor’s Note:** Establishment and intent language has been revised from Article 4, Section 1 to better clarify the intent of zoning districts. Existing zoning districts and abbreviations have been retained, with pertinent changes included within the individual district standards.

Table 4-1. Primary Zoning Districts

DISTRICT ABBR.	DISTRICT NAME	DISTRICT ABBR.	DISTRICT NAME
A	Agricultural	MXD-1	Mixed Use
R-1A	Single-Family Residence	MXD-2	Mixed Use
R-1	Single-Family Residence	MXD-3	Mixed Use
R-2	Single-Family Residence	B-1	Corridor Commercial
R-3	Two-Family Residence	B-2	General Commercial
R-4	Multiple Dwelling	B-3	Central Commercial
R-5	Multiple Dwelling	ERC	Entertainment and Resort Casino
R-6	High Rise	M-1	Light Industrial
RTH	Residential Townhouse	M-2	Heavy Industrial
RMH	Residential Mobile Home	PUD	Planned Unit Development
RB	Office-Apartment		

Section 4-1-3. Place Types Established.²

- (A) To facilitate and encourage land development and redevelopment within the City of Petersburg that achieves the development patterns, physical character, and community identity established in the adopted Comprehensive Plan and Future Land Use Map, Place Types are established in **Table 4-2**, below, to guide the appearance and development of land uses, building forms, streetscapes, and open spaces.
- (B) All new and redevelopment should also incorporate site and building design features compatible with the associated Place Type, as guided by the intent statements in this Section and the adopted Comprehensive Plan.

² **Editor’s Note:** To help develop a form-based code style, Place Types have been established based on the Comprehensive Plan’s future land use designations. This is to help create consistency between the Plan and Zoning Ordinance and facilitate a form-based Ordinance structure.

Table 4-2. Place Types and District Types

PLACE TYPE	DISTRICTS
Conservation and Recreation	A
Community Residential	R-1A R-1 R-2 R-3 R-4 R-5 R-6 RTH RMH PUD
Historic Core Neighborhood	R-1A R-1 R-2 R-3 R-4 R-5 R-6
Community Mixed Use	RB MXD-1 MXD-2 MXD-3 ERC
Corridor Commercial	B-1 B-2
Neighborhood Commercial	B-3
Research and Development	MXD-3 M-1
General Industrial	M-1 M-2

(C) Conservation and Recreation Intent.

- (1) Conservation and Recreation areas provide recreational, environmental, and educational benefits to the community. These areas consist of sensitive environmental habitats, floodplains and steep slopes, agricultural activities, parks and trails, and historic resources.
- (2) Preservation and conservation of historic and environmental resources is intended. Petersburg National Battlefield and other designated historic or environmentally sensitive sites are not appropriate for development.
- (3) Conservation and Recreation generally aligns with the A District in the area of Petersburg National Battlefield. Developments abutting Petersburg National Battlefield should be sensitive to impacts on historic resources and viewsheds.

- (i) Agricultural parcels that are not located within Conservation and Recreation areas, as designated on the Comprehensive Plan Future Land Use Map, are intended for industrial and economic development.

(D) Community Residential Intent.

- (1) Community Residential neighborhoods were largely developed in the mid- to late-20th century, tend to be more suburban than urban in character, and can be found on the west side of Petersburg and south of Interstate 85. Lots tend to be larger and more irregular than those found in Historic Core Neighborhoods. Single-family attached and detached dwellings are both present; however, a variety of residential types at a range of densities are appropriate to achieve the goal of providing a variety of attainable rental and homeownership options to the community.
- (2) All new development should complement the scale, form, and existing architectural character of surrounding development. Streetscapes must integrate streetlighting and landscaping, especially street trees.
- (3) Development on previously undeveloped parcels should seek to provide interconnectivity in the street network and be mindful of sensitive environmental features such as floodplains, the existing mature tree canopy, and steep slopes.
- (4) Connections among neighborhoods and schools, parks, employers, and civic places must be prioritized as conditions permit to facilitate walkable, livable neighborhoods.

(E) Historic Core Neighborhood Intent.

- (1) Historic Core Neighborhoods directly reflect Petersburg’s historic development pattern and are generally located in the heart of Petersburg north of Interstate 85 and west of Interstate 95. This development pattern consists of relatively short blocks in a grid orientation, small lots, and residential dwellings in a variety of architectural styles and developed at a moderate density.
- (2) Development in Historic Core Neighborhoods will utilize the existing historic street grid, be sited on compact lots, front on a public right-of-way, and use architecture that is complementary to the character of surrounding structures.
- (3) Streetscapes will integrate street lighting and landscaping, with separated pedestrian and bicycle infrastructure on higher volume streets.
- (4) Renovation of existing structures, adaptive reuse, and infill are the most appropriate methods of development.
- (5) Single-family dwellings, duplexes, triplexes, quadplexes, and townhouses consistent with the immediate surrounding scale and aesthetic are appropriate. Conversion of single-family dwellings into duplexes, triplexes, or quadplexes is also appropriate, as permitted.

(F) Community Mixed-Use Intent.

- (1) Community Mixed Use areas are walkable, dense, and interconnected environments for entertainment, shopping, personal services, restaurants, hotels, offices, the arts, and residential uses.

- (2) While the footprint of Community Mixed Use areas should not develop in a manner that overwhelms or endangers Historic Core Neighborhoods or sensitive resources, their use and intensity may develop in ways that are compatible with Petersburg’s historic and architectural character and urban form.
- (3) Community Mixed Use areas are appropriate areas for commercial uses that are pedestrian-oriented, enhance a vibrant street life, and contribute to Petersburg’s overall economy. Integration of pocket parks, street trees, and urban gardens should promote an aesthetically pleasing streetscape and promote air quality and temperature reductions within identified heat islands.
- (4) Renovations, infill, and new construction within designated Local Historic Districts should be consistent with the Secretary of the Interior’s Standards for Rehabilitation and City of Petersburg Historic Districts Design Guidelines.

(G) Corridor Commercial Intent.

- (1) Corridor Commercial areas provide goods and services for the community, allowing residents and visitors to access amenities. Typical uses include restaurants, indoor entertainment and recreation, and general retail and services.
- (2) While uses in Corridor Commercial are often automobile-oriented, development must be sited so that the principal façade faces the street and should integrate pedestrian and bicycle infrastructure to create a more walkable, vibrant, and connected “Main Street” development pattern.
- (3) New buildings should seek to integrate a mix of uses wherever possible; any vehicular parking areas must be sited to the rear or side of the principal structure and screened. There should be adequate buffering, screening, and exterior lighting.
- (4) Design and construction should be consistent with the surrounding area and use high-quality building materials. Multifamily residential included in vertical mixed-use structures or located behind commercial areas is also appropriate. Infill development within existing surface parking lots is also appropriate.

(H) Neighborhood Commercial Intent.

- (1) Neighborhood commercial areas serve as discernible neighborhood centers that provide for the daily needs of area residents through uses such as neighborhood grocers, community hubs, laundromats, clinics, neighborhood office uses, and daycares.
- (2) Development in neighborhood commercial areas should be high-quality, oriented towards the street, provide interconnectivity to existing roads and sidewalks, and integrate community design elements such as landscaping and lighting. Parking should be minimal to encourage the use of alternative transportation, with any parking areas sited to the rear or side of the principal structure.
- (3) Adaptive reuse of existing vacant commercial or industrial structures is appropriate.
- (4) While the footprint of neighborhood commercial areas should not expand in a manner that endangers Historic Core Neighborhoods, their use and intensity may expand in ways that

are compatible with Petersburg’s historic and architectural character. Any investment, however, should ensure the preservation of historic structures and continue the architectural character of the surrounding area.

- (5) Vertical mixed-use development with residential on the upper floors is appropriate, provided the form and context of the surrounding area are respected through development. Large, auto-oriented commercial uses are not appropriate.
- (6) Neighborhood Commercial areas are designated on the Comprehensive Plan Future Land Use Map. Additionally, a commercial use situated within a residential neighborhood and accessible by a combination of car, foot, bike, and/or public transportation should also incorporate the site and building design features compatible with this Place Type.

(I) Research and Development Intent.

- (1) Research and Development areas are Petersburg’s major employment centers, with a variety of research and development, light industrial, office, medical, and supporting service uses that are important regional nodes for research, employment, and trade. Institutional uses, such as trade schools and satellite campuses, are also appropriate as a physical means of building a strong talent pipeline.
- (2) Research and development areas should be readily accessible from interstates and principal arterials by a variety of multimodal options – vehicle, bicycle, public transportation, and sidewalks.
- (3) Campus-like settings with adequate landscaping, buffering or screening, lighting, and transportation access are appropriate. Sustainable development practices, including but not limited to stormwater management, water conservation, and green spaces should be integrated in facility and site design.

(J) General Industrial Intent.

- (1) General Industrial areas are intended for heavy industrial uses compatible with Petersburg’s economic development goals.
- (2) General Industrial areas are appropriate for heavy industrial uses that may have excessive impacts of noise, smoke, odor, and traffic.
- (3) Sites should be readily accessible by road and rail and provide opportunities for major employment centers. Development should also consider proximity to public transportation routes and stops.

Division 2. General District Standards.

Section 4-2-1. General District Standards.

- (A) The requirements specified in this Article shall be considered the minimum required to promote the public health, safety, and general welfare.
- (B) Regulations shall apply uniformly to each use, structure, and lot within the zoning district.
- (C) Except as provided in **Article 9**, Nonconformities, of this Ordinance, every structure hereafter constructed shall be located on a lot meeting the minimum requirements for the district in which it is located.
- (D) All new development shall be served by and connected to public water and sewer systems.
 - (1) Where existing individual lots are not served by public water and sewer systems, single family dwellings may be constructed if otherwise permitted in **Article 6**, Use Matrix.
 - (2) The State Health Official may require a larger minimum lot area to meet Virginia Department of Health requirements for use of individual wells and/or sewage disposal systems.³
- (E) Lots are limited to one principal structure, except for the following districts and uses, provided all applicable standards can be met:⁴
 - (1) **Districts.** ERC, B-1, B-2, B-3, M-1, M-2, PUD.
 - (2) **Uses.**
 - (i) *Dwelling, Multi-Family;*
 - (ii) *Dwelling, Townhouse;* and
 - (iii) *Cottage Court.*
- (F) Where a rear lot line abuts a public alley, the Zoning Administrator may reduce or waive the minimum rear setback requirement, provided the alley provides at least 5 ft. of separation between structures and no adverse impacts to adjacent properties are anticipated.
- (G) For adjoining duplex units under separate ownership, the minimum lot size shall be one-half of the district minimum required for a duplex.
- (H) A building or group of buildings permitted under the terms of this Ordinance may be sold as condominiums in accordance with Code of Virginia § 55.1-1900 et seq.

³ **Editor's Note:** Provision to increase lot size for well/septic systems per the Virginia Department of Health's requirements, as applicable, has been retained from Article 4-A, Section 4.

⁴ **Editor's Note:** Provision allowing more than one principal structure in commercial and industrial districts has been retained from Article 25, Section 3.1(4). Multi-family structures (i.e., apartment buildings) and cottage courts have also been added.

Division 3. Determination and Measurement of Standards.⁵

Section 4-3-1. Floor Area Calculations.⁶

- (A) **Total Floor Area.** Total floor area is the total horizontal area of all floors in all buildings on a lot, measured from the outer edges of exterior walls, excluding exemptions as described in (A)(1), below.

Total Floor Area = Sum of All Floors - Exemptions

- (1) **Exemptions.** The following are not included in the total floor area:
- (i) Uncovered steps;
 - (ii) Attic space providing structural head room of less than 7 feet, 6 inches;
 - (iii) Terraces, breezeways, and open porches;
 - (iv) Enclosed automobile parking space provided for the use of occupants of the building, in basements, or lower stories of the building;
 - (v) Basement or ground floor areas used for storage or the housing of mechanical equipment;
 - (vi) Areas of penthouse for the housing of elevator machinery, cooling tanks or similar equipment.

Section 4-3-2. Height.

- (A) **Intent.** It is the intent of the height regulations of this Ordinance to secure safety, to provide light and air, and to protect the character of districts and the interests of the public. No building shall be erected, constructed, or altered to exceed the height limitations specified in the district regulations set in this Ordinance.

(B) **Measuring Height, Generally.**

- (1) Building height shall be measured, in feet, from the grade opposite the middle of the front of the structure to the highest point of the coping if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.^{7 8}

⁵ **Editor's Note:** New division establishing how to determine and measure standards has been added.

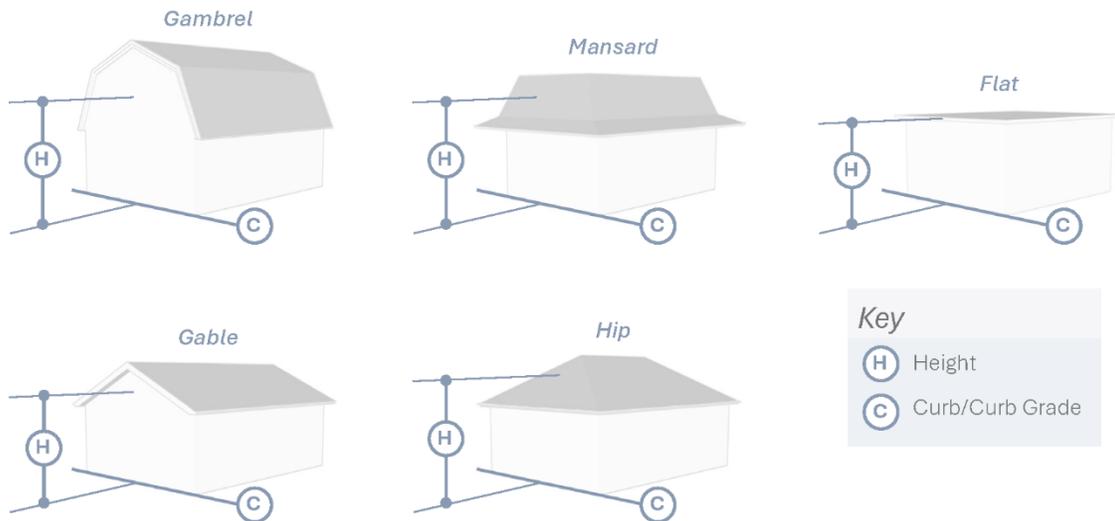
⁶ **Editor's Note:** Criteria for calculating total floor area is currently established in Article 11, Section 3(6)(b) for the R-6 District. This language has been retained (with minor revisions for clarity) and applied to all districts for city-wide consistency. New language for calculating FAR has been introduced.

⁷ **Editor's Note:** This information is currently included in the definition of "*Building, height of*" in Article 3 of the current Ordinance. For clarity, propose to move this information out of the definition and into this Article, and add a graphic that helps visualize how height is measured for different types of roofs. Mansard roofs have been added for additional measurement guidance.

⁸ **Editor's Note:** Graphics/figures are still under development and will be added at a later date once finalized.

- (i) Grade is determined based on the lowest elevation along either the natural or improved grade, whichever is more restrictive, along the façade of the structure that is parallel to the front setback.

Figure 4-1. Measuring Height.



(C) Measuring Height in Floodplains.⁹

- (1) For structures that are located in any floodplain or floodway district, as identified in **Chapter 58**, Floods, of the City Code of Ordinances, the following applies:
 - (i) Height shall be measured from 18 inches above the base flood elevation (BFE) for the building site.
 - (ii) In cases where there is a ground floor enclosure below the BFE, height shall be measured from the curb grade.

(D) Exemptions.¹⁰ The height limitations of this Ordinance shall not apply to:

- (1) Agricultural buildings;
- (2) Chimneys, flues, smokestacks, and associated equipment;
- (3) Conveyors;
- (4) Cooling towers;

⁹ **Editor's Note:** The current Ordinance does not provide guidelines for how the height of structures in floodplains is measured. As a best practice, propose measuring height from 18 inches above BFE, and connecting back to **Chapter 58** of the City Code of Ordinances for additional regulations.

¹⁰ **Editor's Note:** Existing height exemptions currently included in Article 25, Section 2(1) of the Zoning Ordinance have been retained, with some additional items introduced, including agricultural buildings, radio aerials and television antennas, rooftop mechanical equipment, and Utility Service Major (e.g., power lines).

- (5) Elevator bulkheads;
- (6) Fire towers;
- (7) Flagpoles;
- (8) Monuments;
- (9) Ornamental towers and spires;
- (10) Parapet walls;
- (11) Radio aerials or television antennas;
- (12) Roof-top mechanical equipment screened by parapet walls; and
- (13) Smokestacks;
- (14) Spires, belfries, cupolas, gables, and domes;
- (15) Stage towers or scenery lofts;
- (16) Utility Service, Major.
- (17) Water towers and tanks;

Section 4-3-3. Lot Coverage.

Lot coverage is the percentage of a lot area that is covered by principal and accessory buildings, structures, and other impervious surfaces such as covered porches, roofed decks, garages, parking lots, and driveways. Uncovered decks, stairs, and stoops projecting less than 3 ft. from the building may be excluded.

Section 4-3-4. Lot Width.

Lot width shall be measured as the horizontal distance between the side lot lines, taken along the front lot line.

Section 4-3-5. Required Setbacks and Lot Types.

(A) Required Setbacks.

- (1) All lots shall have the following types of setbacks, as shown Table 4-3.

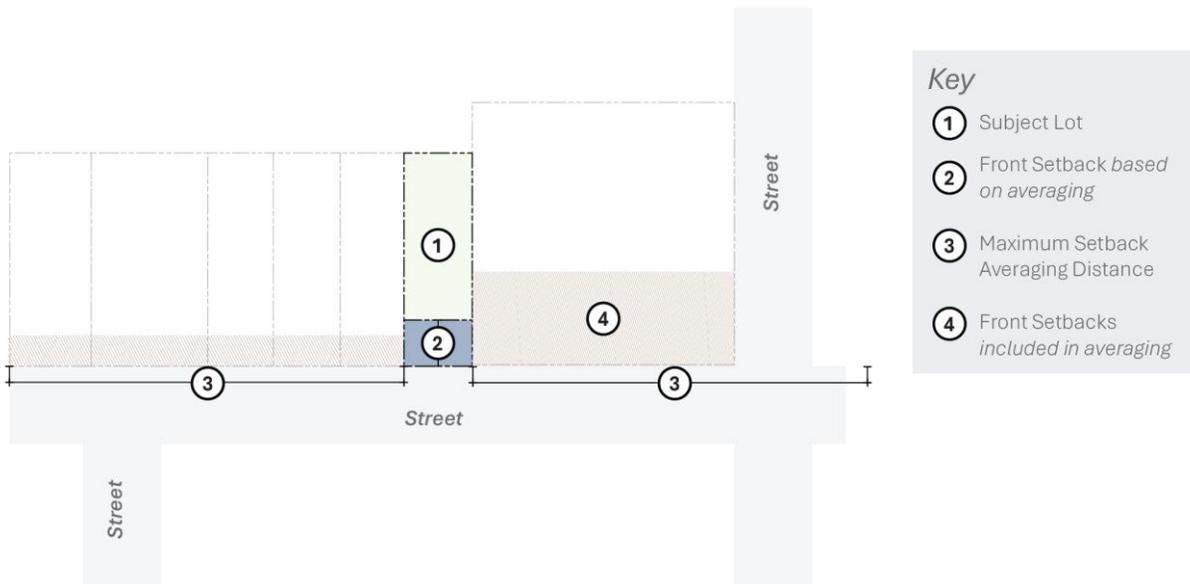
Table 4-3. Required Setbacks

	INTERIOR LOTS	CORNER LOTS	THROUGH LOTS
Front	1	2	2
Side	2	1	2
Rear	1	1	0

(B) **Measurement Methods.**

- (1) **All Setback Types.** Setbacks shall be measured in such a manner that the lot line and the setback line are parallel to one another.
- (2) **Front Setbacks.**
 - (i) **General.** The front setback is the required distance from the front property line to where a building can be placed, measured across the front of the lot between the side property lines.
 - (ii) **Interior Lots.** Interior lots have one front setback line along the street frontage.
 - (iii) **Through Lots.** Through lots have two parallel front setbacks, one along each street frontage.
 - (iv) **Corner Lots.** Corner lots have one front setback that is the shortest of the 2 perpendicular street frontages.
 - (a) If the street frontages are equidistant, then the front setback shall be determined based on the location of the curb cut for the driveway, or as determined by the Zoning Administrator.
 - (v) **Through Corner Lots.** Through corner lots have 2 front setbacks:
 - (a) One that is the shortest street frontage; and
 - (b) The other determined by the prevailing building pattern.
 - i. If a prevailing building pattern has not been established, then the front setback will be determined based on the prevailing lotting pattern.
 - ii. If neither building nor lotting patterns exist, the lot front will be along the lot frontage that is the narrowest.
 - iii. If the lot frontages are equidistant, then the front setback will be determined based on the location of the curb cut for the driveway, or as determined by the Zoning Administrator.
 - (vi) **Setback Averaging.** The front setback of a lot may be the average of the front setbacks within 300 ft. on either side of the lot, except that no front setback shall be required to be greater than that required for the district in which the lot is located.
 - (a) To maintain the pattern of the neighborhood, if the adjacent lots are vacant, the average(s) of the nearest developed lot(s) on the same side of the street shall be used.

Figure 4-2. Setback Averaging.



(3) Side Setback.

- (i) Side setbacks shall be the distance between the front and rear setbacks.
- (ii) The setback depth is measured from the side lot line inward until the required distance is met.
- (iii) For residential lots with a frontage width of less than 50 ft., side setbacks may be reduced to at least 10% of the lot's average width. However, no side setback shall be less than 3 ft. unless otherwise specified in this Article.¹¹
- (iv) For duplex or townhouse dwellings in which either single unit is individually owned, there shall be no side yard setback required on the interior or common property line. The exterior side yard setback shall be based upon the width of the lot frontage for the entire two-unit structure.¹²

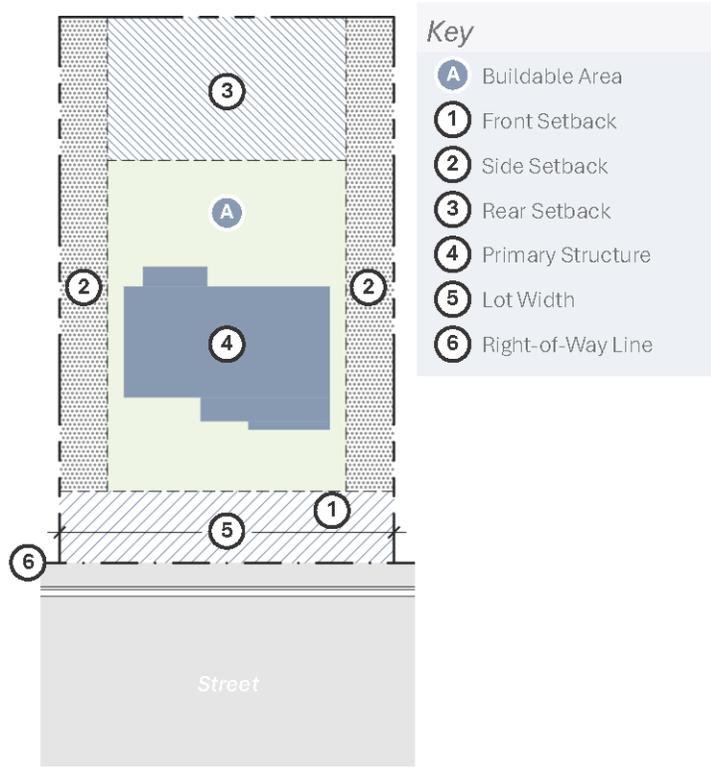
(4) Rear Setback.

- (i) The rear setback shall be measured between side setback lines.
- (ii) The setback depth is measured from the rear lot line inward until the required distance is met.

¹¹ **Editor's Note:** Provision is materially the same as what is included in Article 25, 3.1(6) of the current Zoning Ordinance.

¹² **Editor's Note:** This provision will eventually be located to the draft Article 7, Use Performance Standards; it is being kept in this Section for the time being and has also included clarification for townhouse dwellings.

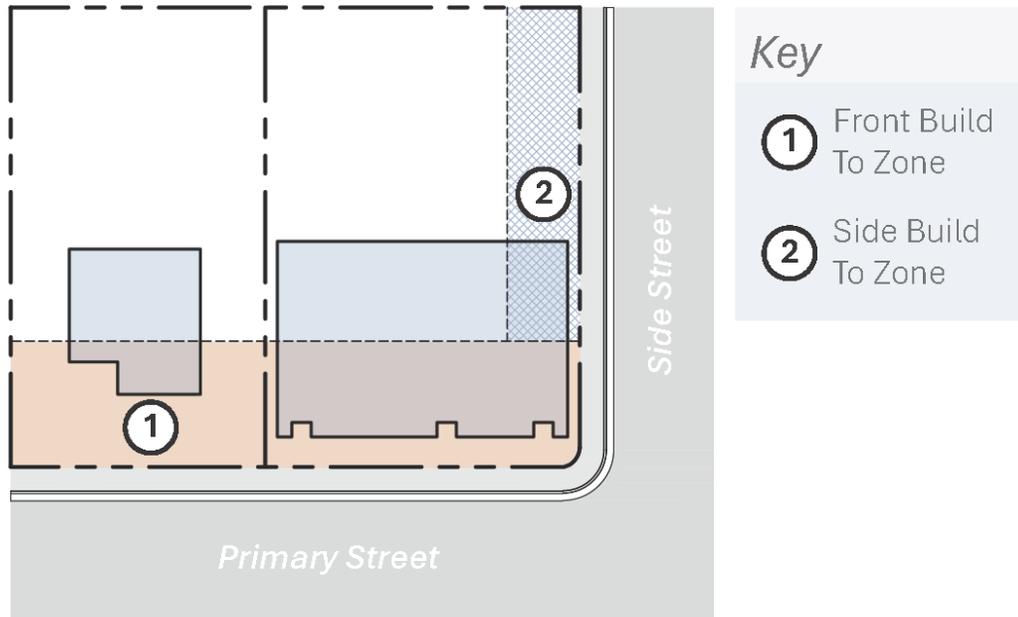
Figure 4-3. Example Lot.



Section 4-3-6. Build-To Zone.

- (A) **Required Façade in Build-To Zone.** A minimum percentage of the building's ground-story front façade must be located within the Build-To Zone (BTZ), measured in relation to the lot width.
- (1) The required façade shall be calculated as a percentage of the lot width and applies only to the ground story of the building.
 - (2) Portions of the building frontage used for vehicular access (such as driveways or garage entrances through the ground floor) shall not count toward the required façade percentage within the BTZ.

Figure 4-4. Build-To-Zone.



Division 4. Residential District Standards.

Section 4-4-1. R-1A, Single Family Residence District.

(A) **Establishment and Intent.** The R-1A District is established to reflect existing suburban residential development, primarily characterized by traditional single family dwellings on estate lots. Non-residential uses should complement the existing residential living patterns and are restricted to those that provide community-oriented amenities, services, and recreation. The R-1A District is not intended to be expanded for future development; consolidation with the R-1 district is appropriate.

(B) **Limitations.** No additional parcels shall be rezoned to R-1A after [effective date of Ordinance].¹³

(C) **General District Standards.**

Table 4-4. R-1A District Standards.

		R-1A	
LOT AREA (MIN) ¹⁴			
	All Lots	15,000 SF	
LOT WIDTH (MIN) ¹⁵			
	All Lots	100'	
SETBACKS (MIN) ¹⁶			
	Front	35'	
	Side	8'	
	Rear	30'	
LOT COVERAGE (MAX)			
	All Lots	70%	
HEIGHT (MAX) ¹⁷			
		Feet	Stories
	Principal Structures	35'	2.5
	Accessory Structures	15'	1

¹³ **Editor's Note:** To streamline district standards and reduce redundant districts, it is proposed to limit any expansion of the R-1A District. All parcels currently zoned R-1A will retain their existing zoning and associated standards, including permitted uses and dimensional requirements, unless otherwise noted. New single-family residential development at a suburban scale should generally occur in the R-1 District.

¹⁴ **Editor's Note:** The existing minimum lot area of 15,000 SF has been retained.

¹⁵ **Editor's Note:** The existing minimum lot width of 100 ft. has been retained.

¹⁶ **Editor's Note:** The existing minimum front and rear setbacks have been retained. The minimum side setback has been streamlined to an even 8 ft. on each side, which replaces the current requirement of 8 ft. minimum with an aggregate of 20 ft.

¹⁷ **Editor's Note:** The existing maximum height of 35 ft. for principal structures has been retained. A maximum height of 15 ft. for accessory structures has been introduced.

Section 4-4-2. R-1, Single-Family Residence District.

(A) **Establishment and Intent.** The R-1 District is established to provide for residential development where the predominant development pattern consists of single-family dwellings in a suburban setting. Non-residential uses should complement the existing residential living patterns and are restricted to those that provide community-oriented amenities, services, and recreation. The R-1 District may appropriately be consolidated with the R-1A District.

Table 4-5. R-1 District Standards.

		R-1	
LOT AREA (MIN) ¹⁸			
	All Lots	8,000 SF	
LOT WIDTH (MIN) ¹⁹			
	All Lots	50'	
SETBACKS (MIN)			
	Front ²⁰	20'	
	Side ²¹	10'	
	Rear ²²	30'	
LOT COVERAGE (MAX)			
	All Lots	70%	
HEIGHT (MAX)			
		Feet	Stories
	Principal Structures ²³	35'	2.5
	Accessory Structures ²⁴	15'	1

¹⁸ **Editor’s Note:** The existing minimum lot area of 8,000 SF has been retained for R-1. This is to maintain consistency with existing development patterns and to prevent unnecessary nonconformities.

¹⁹ **Editor’s Note:** Minimum lot width has been reduced from 75’ to 50’ to better accommodate existing lot widths and neighborhood development patterns in the R-1 District.

²⁰ **Editor’s Note:** The minimum front setback has been reduced from 35’ to 20’ to better accommodate existing neighborhood development patterns in the R-1 District.

²¹ **Editor’s Note:** The minimum side setback has been streamlined to an even 10’, which replaces the current requirement of 6’ minimum with an aggregate of 15’.

²² **Editor’s Note:** The minimum rear setback of 30’ has been retained.

²³ **Editor’s Note:** The existing maximum height of 35’ for principal structures has been retained.

²⁴ **Editor’s Note:** A maximum height of 15’ for accessory structures has been introduced.

Section 4-4-3. R-2, Single Family Residence District.

(A) **Establishment and Intent.** The R-2 District is established to support existing single-family residential neighborhoods while allowing for small-scale infill that is context-sensitive and complements the surrounding neighborhood. Duplexes are appropriate infill or adaptive reuse options, provided the physical appearance is consistent with the established character of surrounding area. Non-residential uses should complement the existing residential living patterns and are restricted to those that provide community-oriented amenities, services, and recreation.

(B) **General District Standards.**

Table 4-6. R-2 District Standards.

		R-2	
LOT AREA (MIN) ²⁵			
Dwelling, Single Family		2,500 SF	
Dwelling, Duplex ²⁶		5,000 SF	
Non-Residential Uses		5,000 SF	
LOT WIDTH (MIN) ²⁷			
Dwelling, Single Family		25'	
Dwelling, Duplex (side-by-side)		50'	
Dwelling, Duplex (stacked)		25'	
Non-Residential Uses		50'	
SETBACKS (MIN)			
	Front ²⁸	15'	
	Side ²⁹	5'	
	Rear ³⁰	15'	
LOT COVERAGE (MAX)			
	All Lots	65%	
HEIGHT (MAX)			
		Feet	Stories
	Principal Structures ³¹	35'	2.5
	Accessory Structures ³²	15'	1

²⁵ **Editor’s Note:** The existing minimum lot size of 5,000 SF has been retained for non-residential uses. Lot size has been adjusted to 2,500 SF for single family dwellings to accommodate existing development patterns as much as possible, which will allow for infill of many lots that are currently nonconforming.

²⁶ **Editor’s Note:** Duplex dwellings have been introduced into the R-2 district to allow for some infill potential and conversion of single family homes to 2 units, where appropriate. A lot size of 5,000 SF for duplexes has been introduced.

²⁷ **Editor’s Note:** Minimum lot width for residential uses has been reduced from 50’ to 25’ to better accommodate existing lot widths in the R-2 District. A minimum width of 50’ has been retained for non-residential uses.

²⁸ **Editor’s Note:** The minimum front setback has been reduced from 35’ to 15’ to better accommodate existing neighborhood development patterns in the R-2 District.

²⁹ **Editor’s Note:** The minimum side setback has been streamlined to an even 5’, which replaces the current minimum requirement of 5’ with an aggregate of 12’.

³⁰ **Editor’s Note:** The existing minimum rear setback of 25’ has been dropped to 15’.

³¹ **Editor’s Note:** The existing maximum height of 35’ for principal structures has been retained.

³² **Editor’s Note:** A maximum height of 15’ for accessory structures has been introduced.

Section 4-4-4. R-3, Two-Family District.

(A) **Establishment and Intent.** The R-3 District is established to support residential neighborhoods located in and around the downtown area, where housing is typically organized in a historic grid pattern. The R-3 District accommodates a mix of housing types, including single-family homes, townhouses, duplexes, triplexes, and quadplexes, promoting a walkable, neighborhood-scaled environment. Infill and redevelopment opportunities should reinforce the urban form through minimal setbacks and building forms that are consistent with the surrounding area. Non-residential uses should complement the existing residential living patterns.

(B) **General District Standards.**

Table 4-7. R-3 District Standards.

		R-3
LOT AREA (MIN)³³		
	Dwelling, Single Family	2,500 SF
	Dwelling, Duplex	5,000 SF
	Dwelling, Triplex or Quadplex ³⁴	5,000 SF
	Dwelling, Townhouse	1,000 SF
	Non-Residential	5,000 SF
LOT WIDTH (MIN) ³⁵		
	Dwelling, Single Family	25'
	Dwelling, Duplex (side-by-side)	50'
	Dwelling, Duplex (stacked)	25'
	Dwelling, Townhouse	18'
	Dwelling, Triplex or Quadplex (side-by-side)	25' per side-by-side unit facing the street
	Dwelling, Triplex or Quadplex (stacked)	30'
	Non-Residential	50'
SETBACKS (MIN) ³⁶		
	Front	0'
	Side (townhouse, interior)	0'
	Side (townhouse, end unit)	5'
	Side (single family, duplex, triplex, quadplex)	5'
	Rear	15'
LOT COVERAGE (MAX)		
	All Lots	85%

³³ **Editor’s Note:** Lot area has been reduced to better accommodate existing parcel sizes that are too small for building a new home under the current Ordinance. Lot size for single family dwellings has been reduced from 5,000 SF to 2,500 SF; lot size for duplexes has been reduced from 6,000 SF to 5,000 SF.

³⁴ **Editor’s Note:** Triplex and quadplexes have been introduced to allow for “missing middle” housing options in residential areas and to encourage infill of vacant lots.

³⁵ **Editor’s Note:** The existing lot widths of 50 ft. for single family dwellings and 60 ft. for duplexes have been reduced as shown in Table 4-10 to better accommodate existing lot widths and facilitate infill of narrower lots.

³⁶ **Editor’s Note:** Existing setbacks have been consolidated and streamlined to accommodate various dwelling types. The front setback has been reduced from 35 ft. to 0 ft. to better accommodate existing development patterns.

Table 4-7. R-3 District Standards.

	R-3	
HEIGHT (MAX) ³⁷	Feet	Stories
Principal Structures	35'	2.5
Accessory Structures	15'	1

³⁷ **Editor's Note:** The existing maximum height of 35 ft. for principal structures has been retained. A maximum height of 15 ft. for accessory structures has been introduced.

Section 4-4-5. R-4, Multiple Dwelling District.

(A) **Establishment and Intent.** The R-4 District is established to facilitate low-to-medium intensity multifamily development, such as garden-style apartments, stacked flats, and courtyard apartments. This district is intended for areas with access to transit, services, and community amenities, and may serve as a transition between traditional residential neighborhoods and higher-intensity high-rise apartments, mixed-use areas, or commercial developments. Development should promote a walkable, neighborhood-scaled environment through pedestrian-friendly site design, modest setbacks, and building forms that reflect the surrounding context. The R-4 District may appropriately be consolidated with R-5.

(B) **General District Standards.**

Table 4-8. R-4 District Standards.

	R-4
LOT AREA (MIN)³⁸	
Dwelling, Single Family	2,500 SF
Dwelling, Duplex	5,000 SF
Dwelling, Triplex or Quadplex	5,000 SF
Dwelling, Townhouse	1,000 SF
Dwelling, Multi-Family	25,000 SF
Non-Residential	5,000 SF
LOT WIDTH (MIN)³⁹	
Dwelling, Single Family	25'
Dwelling, Duplex (side-by-side)	50'
Dwelling, Duplex (stacked)	25'
Dwelling, Triplex or Quadplex (side-by-side)	25' per side-by-side unit facing the street
Dwelling, Triplex or Quadplex (stacked)	30'
Dwelling, Townhouse	18'
Dwelling, Multi-Family	60'
Non-Residential	50'
SETBACKS (MIN)⁴⁰	
Front	0'
Side (interior)	10'
Side (adjacent to street)	5'
Rear	10'
LOT COVERAGE (MAX)	
All Lots	70%

³⁸ **Editor’s Note:** Single family and duplex dwellings have been removed from R-4 to focus on smaller “missing middle” multifamily buildings. A minimum lot size of 25,000 SF has been introduced. (High rise apartments will continue to be permitted in the R-6 District.)

³⁹ **Editor’s Note:** The minimum lot width has been streamlined to 50 ft. for all non-residential lots.

⁴⁰ **Editor’s Note:** The front and side street setbacks have been reduced to allow for the associated build-to zone. The rear setback of 25 ft. has been retained.

Table 4-8. R-4 District Standards.

R-4		
BUILD-TO ZONE ⁴¹		
	Minimum	Maximum
Primary Street	0'	20'
Side Street	5'	15'
REQUIRED FAÇADE IN BUILD-TO ZONE (MIN) ⁴²		
Primary Street	60%	
Side Street	40%	
HEIGHT (MAX) ⁴³		
	Feet	Stories
Principal Structures	40'	3
Accessory Structures	15'	1

⁴¹ **Editor’s Note:** A build-to zone has been introduced to facilitate active facades that are appropriate in urban settings.

⁴² **Editor’s Note:** The required façade in the build-to zone has been introduced.

⁴³ **Editor’s Note:** The existing maximum height of 40 ft. for principal structures has been retained. A maximum height of 15 ft. for accessory structures has been introduced.

Section 4-4-7. R-5, Multiple Dwelling District.

(A) **Establishment and Intent.** The R-5 District is established to reflect existing multifamily development, along with some traditional single family and duplex dwellings. Non-residential uses should complement the existing residential living patterns and are restricted to those that provide community-oriented amenities, services, and recreation. While this district remains suitable for properties currently zoned R-5, it is not intended to be expanded for future development. Lower intensity multifamily development is appropriate in the R-4 District, while high rise multifamily development is appropriate in the R-6 District.

(B) **Limitations.** ⁴⁴ No additional parcels shall be rezoned to R-5 after [effective date of Ordinance].

(C) **General District Standards.**

Table 4-9. R-5 District Standards.

		R-5
LOT AREA (MIN) ⁴⁵		
	Dwelling, Single Family	2,500 SF
	Dwelling, Duplex	5,000 SF
	Dwelling, Multi-Family	1 acre
	Non-Residential	5,000 SF
LOT WIDTH (MIN) ⁴⁶		
	All Lots	50'
SETBACKS (MIN) ⁴⁷		
	Front	35'
	Side	5'
	Rear	25'
LOT COVERAGE		
	All Lots	75%
BUILD-TO ZONE		
	Minimum	Maximum
	Primary Street	0' 25'
	Side Street	0' 25'
REQUIRED FAÇADE IN BUILD-TO ZONE (MIN)		
	Primary Street	70%
	Side Street	50%

⁴⁴ **Editor’s Note:** To streamline district standards and reduce redundant districts, it is proposed to limit any expansion of the R-5 District. All parcels currently zoned R-5 will retain their existing zoning and associated standards, including permitted uses and dimensional requirements, unless otherwise noted. New multifamily development should occur in the R-4 or R-6 Districts.

⁴⁵ **Editor’s Note:** Existing residential uses have been retained in the R-5 district to maintain consistency with current standards and development patterns. The existing minimum lot size of 5,000 SF has been retained for most uses; multifamily development has been streamlined to an even 1 acre minimum based on existing lot sizes.

⁴⁶ **Editor’s Note:** The existing minimum lot width of 50’ has been retained.

⁴⁷ **Editor’s Note:** Existing setbacks have generally been retained. The minimum side setback has been streamlined to an even 5 ft., which replaces the current requirement of 5 ft. minimum with an aggregate of 12 ft.

Table 4-9. R-5 District Standards.

	R-5	
HEIGHT (MAX) ⁴⁸		
	Feet	Stories
Principal Structures	45'	3
Accessory Structures	15'	1

⁴⁸ **Editor's Note:** The existing maximum height of 45 ft. for principal structures has been retained. A maximum height of 15 ft. for accessory structures has been introduced.

Section 4-4-8. R-6, High Rise District.

(A) **Establishment and Intent.** The R-6 District is established to accommodate high-rise multifamily residential development in a highly urban form. This district is intended for areas with strong access to transit, commercial services, employment centers, and other urban amenities that support compact, walkable development patterns. Non-residential uses should complement residential living and contribute to the character of the surrounding area. The R-6 District represents the highest-intensity residential zoning classification and is not intended for use in suburban residential areas.

(B) **General District Standards.**

Table 4-10. R-6 District Standards.

		R-6	
LOT AREA (MIN) ⁴⁹			
	All Lots	21,780 sq. ft.	
LOT WIDTH (MIN) ⁵⁰			
	All Lots	50'	
SETBACKS (MIN) ⁵¹			
	Front	0'	
	Side	0'	
	Rear	20'	
LOT COVERAGE (MAX)			
	All Lots	90%	
BUILD-TO ZONE ⁵²		Minimum	Maximum
	Front	0'	15'
	Side (street corner)	0'	15'
REQUIRED FAÇADE IN BUILD-TO ZONE (MIN) ⁵³			
	Primary Street	70%	
	Side Street	50%	
HEIGHT (MAX) ⁵⁴			
	Principal Structures	150'	
	Accessory Structures	25'	

⁴⁹ **Editor’s Note:** Single family and duplex dwellings have been removed from R-6 to focus on higher intensity multifamily buildings. A minimum lot size of 1 acre has been introduced.

⁵⁰ **Editor’s Note:** The minimum lot width of 50 ft. has been retained.

⁵¹ **Editor’s Note:** The front and side street setbacks have been reduced to allow for the associated build-to zone. The rear setback of 20 ft. has been retained.

⁵² **Editor’s Note:** A build-to zone has been introduced to facilitate active facades that are appropriate in urban settings.

⁵³ **Editor’s Note:** The required façade in the build-to zone has been introduced.

⁵⁴ **Editor’s Note:** The existing maximum height of 150 ft. for principal structures has been retained. A maximum height of 25 ft. for accessory structures has been introduced.

Section 4-4-9. RTH, Residential Townhouse District.

(A) **Establishment and Intent.** The RTH District is established to reflect existing residential development patterns characterized by townhouse dwellings and other attached housing types. Development in this district typically features shared walls and walkable block structures, with a preference for rear-loading driveways and access aisles. While the RTH District remains appropriate for areas currently zoned as such, it is not intended to be expanded for future development; consolidation with the R-3, R-4, MXD-1, or MXD-2 Districts is appropriate.

(B) **Limitations.** No additional parcels shall be rezoned to RTH after [effective date of Ordinance].⁵⁵

(C) **General District Standards.**

Table 4-11. RTH District Standards.

		RTH
LOT AREA (MIN)		
	Dwelling, Townhouse	1,000 SF
	Non-Residential	5,000 SF
LOT WIDTH (MIN)⁵⁶		
	Dwelling, Townhouse	15'
	Non-Residential	50'
SETBACKS (MIN)⁵⁷		
	Front (to internal streets and sidewalks)	15'
	Front (to public right-of-way)	25'
	Side (interior unit)	0'
	Side (end unit to internal streets and sidewalks)	15'
	Rear	30'
LOT COVERAGE (MAX)		
	All Lots	80%
HEIGHT (MAX)⁵⁸		
	Principal Structures	35'
	Accessory Structures	15'

⁵⁵ **Editor’s Note:** Propose to limit further expansion of the RTH district; townhomes are still permitted in the R-3, R-4, MXD-1, and MXD-2 Districts.

⁵⁶ **Editor’s Note:** Minimum lot width for residential uses has been reduced from 75’ to 35’ (and 50’ for non-residential uses) to better accommodate existing lot widths and neighborhood development patterns in the R-1 District.

⁵⁷ **Editor’s Note:** Setbacks are generally retained from Article 12, Section 3, with the following revisions: Front setback to the public right-of-way has been streamlined to 25 ft. End unit setbacks have been streamlined to 15 ft. from internal roads and sidewalks.

⁵⁸ **Editor’s Note:** The existing maximum height of 35 ft. for principal structures has been retained. A maximum height of 15 ft. for accessory structures has been introduced.

Section 4-4-10. RMH, Residential Mobile Homes District.

(A) **Establishment and Intent.** The RMH District is established to accommodate existing residential communities consisting exclusively of manufactured homes. Development in this district should promote a safe, attractive, and well-maintained living environment through appropriate site design, internal circulation, and supportive amenities. While the RMH District remains appropriate for existing manufactured home parks, it is not intended to be expanded to facilitate new manufactured home parks.

(B) **Limitations.** No additional parcels shall be rezoned to RMH after [effective date of Ordinance].⁵⁹

(C) **General District Standards.**

Table 4-12. RMH District Standards.

	Individual Sites	Park Total
LOT AREA (MIN)⁶⁰		
Dwelling, Manufactured Home	4,000 SF	
Manufactured Home Park		10 acres
LOT WIDTH (MIN)⁶¹		
Dwelling, Manufactured Home	40'	
Manufactured Home Park		200'
SETBACKS		
Front		50'
Side		25'
Rear		25'
Minimum distance between manufactured homes and individual home site boundary ⁶²	7½'	
Minimum distance between manufactured homes and buildings within the park ⁶³	15'	
Minimum distance of manufactured home or building to a private street or common areas within the park ⁶⁴	15'	

⁵⁹ **Editor’s Note:** Propose to limit any future expansion of the RMH district, and ultimately limit any new manufactured home parks. It is noted that single manufactured homes on individuals lots must be permitted in the Agricultural District per state code requirements.

⁶⁰ **Editor’s Note:** Minimum lot areas of 4,000 SF for individual home sites and 10 acres for total park site are retained from Article 7-A, Section 7(3)(a).

⁶¹ **Editor’s Note:** Minimum lot widths of 40 ft. for individual home sites and 200’ for total park site are retained from Article 7-A, Section 2(d).

⁶² **Editor’s Note:** Minimum distance of 7½ ft. between a manufactured home and the individual home site boundary has been retained from Article 7-A, Section 8(3).

⁶³ **Editor’s Note:** Minimum distance of 15 ft. between homes and buildings has been retained from Article 7-A, Section 8(3).

⁶⁴ **Editor’s Note:** Minimum distance of 15 ft. between homes and buildings to an internal street has been retained from Article 7-A, Section 8(3); this now also applies to common areas.

Table 4-12. RMH District Standards.

	Individual Sites	Park Total
HEIGHT (MAX) ⁶⁵		
Dwelling, Manufactured Home	20'	
Other Principal Structures	35'	
Accessory Structures	15'	

(D) **Additional Standards.** ⁶⁶

- (1) The number and location of access drives shall be subject to approval by the Director of Public Works and shall be designed to ensure traffic safety and minimize impacts on surrounding properties. No individual manufactured home space shall have direct access to a public street outside the boundaries of the park. Interior access drives shall be properly lighted, hard-surfaced, and maintained at a minimum width of 24 ft., within a right-of-way of at least 50 ft., in accordance with applicable state highway specifications and local ordinances.
- (2) Each manufactured home site shall be provided with individual water and sewer connections to central sewer and water systems. Such water and sewer facilities shall be subject to the approval of, and inspection by, the public works department, department of inspections, and the state health department, and may be either public facilities or privately owned sewer and water systems, but in either case shall be designed to serve the entire manufactured home park.
- (3) Each individual manufactured home site shall be permitted 1 awning or porch and 1 storage building, provided that no portion of these structures is located closer than 5 ft. to the boundaries of the site.
- (4) Management offices, community buildings, recreational facilities, laundry facilities, and other on-site amenities incidental to the operation of the manufactured home park are permitted as accessory uses, provided such establishments: ⁶⁷
 - (i) Shall be restricted in their use primarily to occupants of the park;
 - (ii) Shall present no visible evidence of their commercial character which would attract customers primarily other than occupants of the park.
- (5) A minimum of 100 SF of recreational open space shall be provided per manufactured home site, and no recreational area shall be less than 5,000 SF.
- (6) One (1) sign is permitted per manufactured home park, with a maximum size of 32 SF.

⁶⁵ **Editor’s Note:** Maximum height for manufactured homes has been increased from 15 ft. to 20 ft. to better account for skirting and roof pitch. Maximum height of 35 ft. has been retained for other buildings (e.g., community buildings, offices, etc.). A maximum height of 15’ ft. has been established for accessory buildings.

⁶⁶ **Editor’s Note:** Additional standards are retained from Article 7-A, with minor revisions for readability or clarity.

⁶⁷ **Editor’s Note:** Provision limiting community buildings and recreational amenities to 10% of the total park area has been removed; this is to allow opportunities for more recreational areas and community services.

- (7) Corners of each manufactured home site shall be visibly marked and numbered by a permanent marker.
- (8) No more than 1 manufactured home shall be parked per home site.
- (9) At least 1 off-street parking space shall be provided on each mobile home site in a mobile home park and, in addition, off-street parking spaces for automobiles shall be provided in the ratio of ½ space per mobile home, in locations convenient to groups of homes. No parking shall be permitted on the street.

Division 5. Commercial District Standards.

Section 4-5-1. B-1, Shopping Center District.

(A) **Establishment and Intent.** The B-1 District is established to accommodate a range of commercial uses, including retail, personal services, offices, and dining establishments. While the B-1 District traditionally supported shopping center development, it is also intended to provide flexibility for adaptive reuse, infill, and redevelopment of aging or underutilized commercial properties. Development and redevelopment within the B-1 District should be pedestrian-friendly, compatible with nearby neighborhoods and shopping areas, and designed to promote attractive and efficient commercial environments through coordinated site planning and building design.

(B) **General District Standards.**

Table 4-13. B-1 District Standards.

		B-1
LOT AREA (MIN) ⁶⁸		
	All Lots	25,000 SF
LOT WIDTH (MIN) ⁶⁹		
	All Lots	100'
LOT COVERAGE (MAX)		
	All Lots	70%
SETBACKS (MIN) ⁷⁰		
	Front	10'
	Side	10'
	Rear	20'
SETBACKS (MAX)		
	Front	30'
	Side; Rear	None
HEIGHT (MAX) ⁷¹		
	Principal Structures (max)	45'
	Accessory Structures (max)	15'

⁶⁸ **Editor's Note:** The minimum lot size has been reduced from 2 acres to 25,000 SF based on existing lot sizes in the B-1 district.

⁶⁹ **Editor's Note:** A minimum lot width of 100 ft. has been introduced based on existing lot sizes.

⁷⁰ **Editor's Note:** Existing front and rear setbacks have been retained. A side setback of 10 ft. has been introduced.

⁷¹ **Editor's Note:** A maximum height of 45 ft. for principal structures and 15 ft. for accessory structures have been introduced.

Section 4-5-2. B-2, General Commercial District.

(A) **Establishment and Intent.** The B-2 District is established to recognize existing commercial uses and to provide an opportunity to expand these and other similar commercial uses and development. It is also intended to encompass the expanding commercial areas of B-1. The district should accommodate a range of retail, personal service, and office uses and provide for the convenience and day-to-day needs of both local and regional residents. Development should be highly attractive and accessible, and when situated along a principal highway, should avoid the routing of traffic onto minor streets or through residential areas.

(B) **General District Standards.**

Table 4-14. B-2 District Standards.

		B-2
LOT AREA (MIN) ⁷²		
	All Lots	2,500 SF
LOT WIDTH (MIN) ⁷³		
	All Lots	25'
LOT COVERAGE (MAX) ⁷⁴		
	All Lots	60%
SETBACKS (MIN) ⁷⁵		
	Front	5'
	Side	5'
	Rear	25'
SETBACKS (MAX)		
	Front	15'
	Side	15'
	Rear	None
HEIGHT (MAX) ⁷⁶		
		Feet
		Stories
	Principal Structures	45'
	Accessory Structures	15'
		3
		1

⁷² **Editor’s Note:** The existing minimum lot size of 5,000 SF has been retained.

⁷³ **Editor’s Note:** The existing lot width of 50 ft. has been retained.

⁷⁴ **Editor’s Note:** A maximum lot coverage of 60% has been introduced.

⁷⁵ **Editor’s Note:** A front setback of 20’ has been introduced. Side and rear setbacks have been retained and clarified as 5 ft. and 25 ft., respectively.

⁷⁶ **Editor’s Note:** The existing maximum height of 45 ft. has been retained. A maximum height of 15 ft. has been introduced for accessory structures.

Section 4-5-3. B-3, Central Commercial District.

(A) **Establishment and Intent.** The B-3 District is established to provide a traditional downtown with a mix of uses and services. This district should have both new and infill development that fits the scale, design, and character of the surrounding area. Land uses should include a mix of retail, office, service, entertainment, and hotel uses, as well as introduce and expand upper-floor residential uses that contribute to tourism activity and the economic vitality of the area. Natural features, pedestrian and bicycle infrastructure, and public transportation stops should be integrated into all development. Historic street grid and architectural patterns should be preserved to the extent possible.

(B) **General District Standards.**

Table 4-15. B-3 District Standards.

		B-3	
LOT AREA (MIN) ⁷⁷			
	All Lots	No minimum	
LOT WIDTH (MIN) ⁷⁸			
	All Lots	No minimum	
LOT COVERAGE (MAX) ⁷⁹			
	All Lots	90%	
SETBACKS (MIN) ⁸⁰			
	Front	0'	
	Side	0'	
	Rear (not adjacent to Residential District)	0'	
	Rear (adjacent to Residential District)	20 ft.	
BUILD-TO ZONE ⁸¹			
		Minimum	Maximum
	Front	0'	5'
	Side (street corner)	0'	5'
REQUIRED FAÇADE IN BUILD-TO ZONE (MIN) ⁸²			
	Primary Street	80%	
	Side Street	40%	
HEIGHT (MAX) ⁸³			
		Feet	Stories
	Principal Structures	90'	8
	Accessory Structures	15'	1

⁷⁷ **Editor's Note:** Lot area is not currently specified; this has been retained.

⁷⁸ **Editor's Note:** Lot width is not currently specified; this has been retained.

⁷⁹ **Editor's Note:** A maximum lot coverage of 80% has been introduced.

⁸⁰ **Editor's Note:** Front and side setbacks have been reduced to 0 ft. to facilitate the build-to zone. Rear setback of 20 ft. when adjacent to residential has been retained.

⁸¹ **Editor's Note:** A build-to zone has been introduced to facilitate active facades that are appropriate in urban settings.

⁸² **Editor's Note:** The required façade in the build-to zone has been introduced.

⁸³ **Editor's Note:** Existing maximum height of 90 ft. has been retained. Maximum height of 15 ft. for accessory structures has been introduced.

Division 6. Mixed-Use District Standards.

Section 4-6-1. RB, Office-Apartment.

(A) **Establishment and Intent.** The RB District is established to provide for low-intensity office complexes that offer professional and administrative services in a setting that complements limited high-density residential uses. The district is intended to promote smaller-scale office-oriented developments with minimal traffic impact and a smaller building footprint, limiting impacts on neighborhoods. The permitted high-density residential uses shall primarily be intended to serve the employees of such professional and office uses, such as apartments, condominiums, and live-work units.

(B) **General District Standards.**

Table 4-16. RB District Standards

		RB	
LOT AREA (MIN)			
	All Lots	5,000 SF	
LOT WIDTH (MIN)⁸⁴			
	Residential Lots	35'	
	Non-Residential Lots	50'	
SETBACKS (MIN)			
	Front	0'	
	Side	5'	
	Rear	25'	
BUILD-TO ZONE			
		Minimum	Maximum
	Front	0'	15'
	Side Street	5'	10'
REQUIRED FAÇADE IN BUILD-TO ZONE (MIN)			
	Primary Street	80%	
	Side Street	50%	
HEIGHT (MAX)			
	Principal Structures	45'	
	Accessory Structures	15'	

(C) **Additional Standards.**⁸⁵ The following shall apply for all non-residential uses in RB:

- (1) No advertising signs or devices are allowed on the lot, building, or in any exterior doors or windows, except that each business or professional office may have one wall sign in compliance with **Article 8**, Community Development Standards, of this Ordinance.

⁸⁴ **Editor's Note:** Minimum lot width for residential uses has been reduced from 75' to 35' (and 50' for non-residential uses) to better accommodate existing lot widths and neighborhood development patterns in the R-1 District.

⁸⁵ **Editor's Note:** Standards retained from Article 13, Section 2(2) of the current Zoning Ordinance, but reorganized for clarity.

- (2) Buildings may not be constructed or altered to include storefronts, show windows, or display windows.
- (3) No merchandise may be displayed in windows or doors, and no merchandise may be stored inside the building or on the premises.
- (4) Only machinery or equipment typically used in professional or business offices may be used or stored in the building or on the lot.
- (5) Required off-street parking shall be located behind the building or, on corner lots, within the side yard area that lies behind the extension of the building's front line.
 - (i) Parking is not allowed adjacent to the street.

Section 4-6-2. MXD-1, Mixed Use District.

(A) **Establishment and Intent.** The MXD-1 District is established to provide a mix of low-intensity office, light commercial, and residential uses that serve as a transition between suburban neighborhoods and more intensive commercial areas. Appropriate residential uses include single family dwellings, duplexes, and small-scale apartment complexes designed in a garden-style or courtyard configuration. Office uses should be limited to small-scale professional or administrative services that are compatible with nearby homes. Light commercial uses should be those that support the residents of surrounding areas. Development should reflect a walkable, neighborhood-scale character, with buildings designed to complement the surrounding residential character.

(B) **General District Standards.**

Table 4-17. MXD-1 District Standards.⁸⁶

		MXD-1	
LOT AREA (MIN)			
	Dwelling, Townhouse	1,000 SF	
	All Other Residential and Non-Residential Uses	5,000 SF	
LOT WIDTH (MIN)			
	Dwelling, Townhouse	18'	
	All Other Uses	50'	
LOT COVERAGE (MAX)			
	All Lots	60%	
SETBACKS (MIN)			
	Front	0'	
	Side	0'	
	Rear	20'	
BUILD-TO ZONE			
		Minimum	Maximum
	Front	0'	10'
	Side (street corner)	0'	10'
REQUIRED FAÇADE IN BUILD-TO ZONE (MIN)			
	Primary Street	60%	
	Side Street	30%	
HEIGHT (MAX)			
		Feet	Stories
	Principal Structures	45'	3
	Accessory Structures	15'	1.5

⁸⁶ **Editor's Note:** All new standards are proposed for MXD-1.

Section 4-6-3. MXD-2, Mixed Use District.

(A) **Establishment and Intent.** The MXD-2 District is established to provide a broad range of opportunities for residential living and commercial development in a compact and walkable setting. A range of residential housing types are permitted, including duplexes, triplexes, quadplexes, townhomes, garden-style apartments, and upper-story apartments within mixed-use structures. Commercial uses that directly serve neighborhood residents such as personal services, day care, and small shops, as well as hospitality-oriented commercial uses such as restaurants, shops, and boutique hotels are envisioned in this district, provided such uses are compact, pedestrian-oriented, and complementary to the character of the surrounding area. Development should seek to either creatively integrate neighborhood-oriented open space, such as pocket parks or community gardens, or provide walkable access to existing open space amenities.

(B) **General District Standards.**

Table 4-18. MXD-2 District Standards.⁸⁷

		MXD-2	
LOT AREA (MIN)			
	All Lots	No Minimum	
LOT WIDTH (MIN)			
	All Lots	No Minimum	
LOT COVERAGE (MAX)			
	All Lots	60%	
SETBACKS (MIN)			
	Front	0'	
	Side	0'	
	Rear	20'	
BUILD-TO ZONE			
		Minimum	Maximum
	Front	0'	10'
	Side (street corner)	0'	10'
REQUIRED FAÇADE IN BUILD-TO ZONE (MIN)			
	Primary Street	70%	
	Side Street	40%	
HEIGHT (MAX)			
		Feet	Stories
	Principal Structures	60'	5
	Accessory Structures	15'	1

⁸⁷ **Editor’s Note:** All new standards are proposed for MXD-2.

Section 4-6-4. MXD-3, Mixed Use District.

(A) **Establishment and Intent.** The MXD-3 District is established to support a mix of commercial and light industrial uses in a compact, walkable, and adaptable development pattern. Intended uses include larger-scale retail, event venues, employment centers, research and development, light manufacturing, and logistics, all integrated into a cohesive urban form. Residential uses are not permitted. Development should reflect a town center character, incorporating open space, pedestrian and bicycle infrastructure, and civic features such as plazas or greens. Buildings should define the public realm, with parking located on-street or to the rear. This district is suited for larger parcels along major transportation corridors and other strategic locations within the city.

(B) **General District Standards.**

Table 4-19. MXD-3 District Standards.⁸⁸

		MXD-3	
LOT AREA (MIN)			
	All Lots	No Minimum	
LOT WIDTH (MIN)			
	All Lots	75'	
LOT COVERAGE (MAX)			
	All Lots	80%	
SETBACKS (MIN)			
	Front	0'	
	Side (interior)	0'	
	Side (street corner)	0'	
	Rear	25'	
BUILD-TO ZONE			
		Minimum	Maximum
	Front	0'	20'
	Side	0'	15'
REQUIRED FAÇADE IN BUILD-TO ZONE (MIN)			
	Primary Street	80%	
	Side Street	50%	
HEIGHT (MAX)			
	Principal Structures	75'	
	Accessory Structures	25'	

⁸⁸ **Editor’s Note:** All new standards are proposed for MXD-3.

Section 4-6-5. ERC, Entertainment and Resort Casino District.

- (A) **Establishment and Intent.** The Entertainment and Resort Casino (ERC) District establishes standards and conditions for the development and operation of an entertainment and/or casino gaming establishment including accessory uses while promoting the public, health, safety, and general welfare to ensure development is compatible with existing and future land uses. Because of the special characteristics of the uses permitted within the ERC District, in particular casino gaming establishments, the purpose of this district is to provide flexibility in parking, signage, exterior lighting, building heights, setbacks, and other standards not typically permitted elsewhere in the city.
- (B) Where the standards governing the ERC District expressly conflict with any other provision of this Ordinance, the standards governing the ERC District shall control, unless expressly stated otherwise in the ERC District regulations.
- (C) **General District Standards.**

Table 4-20. ERC District Standards.

		ERC	
DISTRICT SIZE (MIN) ⁸⁹			
	District	75 acres	
LOT WIDTH (MIN)			
	All Lots	None	
LOT COVERAGE (MAX)			
	All Lots	None	
DENSITY (MAX) ⁹⁰			
	Dwelling, Multi-Family	40 units/acre	
SETBACKS (MIN) ⁹¹			
	Front	0'	
	Side	0'	
	Rear (adjacent to ERC District)	0'	
	Rear (adjacent to any other District)	25'	
HEIGHT (MAX) ⁹²			
		Feet	Stories
	All Structures, except as provided below	400'	-
	Hotel		
	Office, General	400'	30
	Dwelling, Multi-Family		
	Parking Structures	100'	8

- (D) **Residential Calculations.** Density shall be calculated for each separate ERC District based upon the entire acreage located within such ERC District.

⁸⁹ **Editor’s Note:** District size of 75 acres is retained from Article 18.4, Section 3(1).

⁹⁰ **Editor’s Note:** Density of 40 units/acre is retained from Article 18.4, Section 4(1).

⁹¹ **Editor’s Note:** Setbacks are retained from Article 18.4, Section 4(4).

⁹² **Editor’s Note:** Maximum heights are retained from Article 18.4, Section 4(2).

(1) With respect to the total number of multiple-family dwelling units permitted for an ERC District hereunder, there shall be no limitation as to how many of such units may be located on each parcel within the ERC District (regardless of any subsequent subdivision or lot consolidation), but the total number of units throughout the ERC District shall not exceed 3,000 units.

(E) **Access.** Vehicular or pedestrian access for each lot shall be provided through a perpetual, unobstructed easement.

(F) **Parking.**

(1) Development in the ERC District shall not be subject to the standards **Article 8, Division 9**, with the exception that the following does apply:

(i) All off-street parking shall be concrete, asphalt, pavers, brick, or porous pavement approved for use by the Department of Planning and Community Development.

(ii) All parking lots, regardless of the number of spaces, must have individual spaces marked. Such spaces shall be laid out on the parking surface with paint or plastic stripping which shall provide a permanent delineations between spaces. Spaces should be arranged so that any maneuvering directly incidental to entering or leaving a parking space shall not be on any public street, alley or walkway.

(iii) Landscaping, buffer, and screening requirements for parking lots shall apply in accordance with **Article 8, Divisions 5, 6, and 7**.

(iv) Additional parking requirements may be imposed for uses requiring a SUP.

(2) Off-street, surface parking lots shall have a minimum landscaped area equal to at least 10% of the paved area of the lot. No more than 15 consecutive parking spaces may be provided without a landscape interior island. A landscape median island must be provided for every 6 rows of single parking spaces. Median islands must be at least 6 ft. wide. Within median islands, walkways at least 4 ft. wide must be provided to connect such parking to sidewalks/walkways and to building entrances.

(3) Street-facing facades of parking structures shall:

(i) Be designed to be compatible with the principal building in terms of architectural style, texture, and quality; and

(ii) Be screened at ground level by architectural and/or landscape screening. All non-street facing sides of parking structures, when not built to a zero set back on the property line, shall have a continuous minimum 10 ft. wide landscaped strip between the structure and said property line, except at vehicular and pedestrian access openings.

(G) **Exterior Lighting.** Development in an ERC District, in particular casino gaming establishments, has unique needs for exterior lighting that require flexibility and would not typically be permitted in other areas of the city. Therefore, the ERC District shall not be subject to the standards of **Article 8, Division 10**, of this Ordinance; in lieu, the following applies:

- (1) Exterior lighting must comply with state and federal regulations and must not interfere with any public roadways.
 - (2) Exterior lighting must comply with Code of Virginia Ch. 12, Title 33.2.
 - (3) Notwithstanding any provision of the City Code to the contrary:
 - (i) Upwardly directed lighting may be used to illuminate buildings, structures, and landscaping in the ERC District, provided the lighting does not spillover onto adjacent residential uses.
 - (ii) Awnings or canopies used for building accents over doors, windows, etc., may be internally illuminated (i.e. from underneath or behind the awning) in the ERC District.
 - (4) Searchlights operated within the ERC District must comply with the following regulations:
 - (i) Searchlights must not be operated so as to constitute a traffic hazard or a nuisance.
 - (ii) Searchlights must be so operated as to avoid directing the beam at any building.
 - (iii) Searchlights must be so operated as to avoid directing the beam onto any adjacent property.
 - (iv) Searchlight beams must not be displayed at an angle greater than 45 degrees from the perpendicular.
 - (v) Searchlights must not operate between 12:00 a.m. midnight and 5:00 p.m.
- (H) **Signs.** Development in the ERC District, in particular casino gaming establishments, will have unique needs for signage that require flexibility and would not typically be permitted in other areas of the city. Therefore, the ERC District shall not be subject to the standards of **Article 8, Division 9**, of this Ordinance; in lieu, the following applies:
- (1) There shall be no restrictions on the type, amount, or size of signage in the ERC District for the following uses:
 - (i) *Casino Gaming Establishment*;
 - (ii) Uses under common ownership or control (including affiliated entities) with *Casino Gaming Establishment*, including but not limited to the following:
 - (a) *Hotel*;
 - (b) *Entertainment Venue/Banquet Hall*;
 - (c) *Retail Store, Large or Small*;
 - (d) *Office, General*;
 - (e) *Restaurant (all types)*; and
 - (f) *Convention Center*.
 - (2) Signage for the aforementioned uses shall require permitting as required in **Article 8, Division 9** except that multiple signs can be approved on a single permit. Such sign permits

shall be approved unless proposed signage poses a threat to public health, safety, or general welfare.

- (i) All other uses in the ERC District shall be subject to the signage regulations set forth in **Article 8, Community Development Standards**, of this Ordinance.
 - (3) All signage in the ERC District shall comply with applicable state and federal regulations, and the signs prohibited in Code of Virginia § 33.2-1216 are prohibited in the ERC District.
- (I) **Noise.** In lieu of any other noise regulations contained in the City Code (including, without limitation, those set forth under Chapter 50, Article II), the following noise regulations shall apply to all activities, operations, or sources within the ERC District:
- (1) The exterior noise limits for any source of noise in any ERC District cannot exceed 85 dBA between 9:00 a.m. and 12:00 a.m. midnight, when measured at the property line of a residential use.
 - (2) The exterior noise limits for any source of noise in any ERC District must be reduced between 12:00 a.m. midnight and 9:00 a.m. so that when measured at the property line of a residential use the noise does not exceed 72 dBA.
- (J) **Buffers.** A minimum 15 ft. wide landscaped buffer must be provided along any property line abutting property not located within an ERC District, utilizing natural vegetation and topography when possible or, when natural vegetation cannot be utilized, live grass, shrubs, hedges, trees and other landscaping materials, as approved by the Director of Planning and Community Development. Driveways, utility easements, signage, and sidewalks are allowed to encroach into the landscaped buffer. With respect to any portion of an ERC District having frontage along Interstate 95 or associated on/off ramps, the landscaped buffer shall be required for only 60% of such frontage provided that no single expanse without buffer meets the entirety of the 40% allowable.
- (K) **Public Open Space Regulations.**
- (1) Five percent (5%) of the total development area included within each ERC District must consist of “open/amenity space”, which shall include but not be limited to: plazas, green spaces, landscaped areas, natural preservation areas meeting the requirements of **Article 8, Division 4**, green roofs, water amenities, pedestrian walkways, pedestrian facilities, or other similar features.
 - (2) Above-ground stormwater drainage and/or retention facilities shall be considered as open/amenity space, provided the design incorporates landscaping, recreational elements, and/or public access features that enhance the aesthetic and functional value of the space, creating a usable community asset. Such elements or features may include pedestrian walkways, fountains, benches, supplemental plantings or other similar improvements.
 - (3) There shall be no minimum open/amenity space requirement for the development of individual parcels within the ERC District (regardless of any subsequent subdivision or lot consolidation), and compliance with this Section shall be determined based upon the

entire development area located within the ERC District. Open/amenity space features should not be limited to a single location within the ERC District.

- (4) Streets are not to be considered in the calculation of open/amenity space. Plans for open/amenity space shall be submitted with the site plan for review by the Department of Planning and Community Development.

(L) Street Regulations.

- (1) Streets onto which buildings front and streets that serve as the primary corridors into the community shall provide sidewalks at least 5 ft. wide, with pedestrian scale lighting, native trees, and amenities such as seating, trashcans, and bicycle racks. Street sections must be submitted with the site plan to ensure compliance with this code.
- (2) A 10 ft.-wide area must be provided along each public or private roadway within an ERC District, which area will accommodate the listed amenities in **(J)(1)**, above, and will be developed concurrently with the adjacent roadway.
- (3) Blocks shall not exceed 2,400 linear ft. Enhanced pedestrian pathways can be utilized to break down blocks such as a wide promenade with art, landscaping, seating, and lighting.
- (4) Prior to the issuance of final site plan approval for a permanent Casino Gaming Establishment, a Traffic Impact Analysis (TIA) for such permanent Casino Gaming Establishment shall be completed. Any traffic improvements to City rights-of-way recommended by the TIA as the result of traffic generated by the permanent Casino Gaming Establishment shall be completed to the satisfaction of the City Engineer prior to the issuance of a final certificate of occupancy for the permanent Casino Gaming Establishment, unless the City Engineer approves a phasing plan that permits the construction of a portion of such improvements after the issuance of a final certificate of occupancy. Nothing in this Section shall preclude the issuance of a temporary certificate of occupancy prior to the completion of any improvements required hereunder.

(M) Additional Requirements.

- (1) All building exteriors must be clad in durable materials, to include, but not limited to, architectural block, brick, natural stone, fiber cement/concrete, stucco, and architectural metal cladding. Vinyl siding/cladding is prohibited as an exterior building material.
- (2) All dumpsters that are visible from a public road must be fully screened. The screening structure must consist of a masonry unit design enclosure and/or materials to match the adjacent building and a metal gate(s) that screens the view of the dumpster.
- (3) Any sound barriers developed within this district shall be enhanced with architectural treatment, murals, or other treatment approved by the Director of Planning and Community Development in a manner which shall be architectural to provide interest and approximate human scale.
- (4) Within each ERC District, right-of-way shall be provided by the property owner(s) upon request of the City in a mutually agreeable location for the installation of up to 2 bus stops. The City may construct improvements associated with such bus stops at its own cost and expense.

(N) **Temporary Casino Structures.**

(1) Temporary casino structures and any associated site improvements which will be removed or redeveloped following construction of the permanent casino gaming establishment, including but not limited to streets and parking areas, shall be exempt from the site standards outlined in the following portions of this article:

- (i) Section 4-6-5(F)(2);
- (ii) Section 4-6-5(J);
- (iii) Section 4-6-5(K);
- (iv) Section 4-6-5(L); and
- (v) Section 4-6-5(M)(1), (2), and (3).

(2) In lieu of meeting the standards outlined above, the temporary casino site shall include temporary site improvements to enhance aesthetics and guest experience. These improvements may include, but are not limited to, planters with greenery around the tent and within the parking lots, temporary art installations, string lighting, and other decorative elements as approved by the Department of Planning and Community Development. All temporary improvements shall be maintained in good condition for the duration of the casino's operation and removed upon cessation of activities.

(O) **Modifications.** City Council may grant modifications to the density, buffering, landscaping, yard, or other requirements of the ERC District for individual projects or lots within the ERC District following a public hearing process in accordance with Article 3, Permits and Applications, of this Ordinance.

Division 7. Industrial District Standards.

Section 4-7-1. M-1, Light Industrial District.

(A) **Establishment and Intent.** The M-1 District is established to provide sufficient space in appropriate locations for less intense industrial uses, such as research facilities, wholesale, warehousing, light industrial, and heavy commercial uses. The uses in this district should be buffered from daily services and residences. Uses should occur mostly in enclosed buildings or be screened from view, and activities should not create a danger to health and safety in surrounding areas, nor create off-site noise, vibration, smoke, dust, lint, odor, heat, or glare.

(B) **General District Standards.**

Table 4-21. M-1 District Standards.

		M-1	
LOT AREA (MIN) ⁹³			
	All Lots	10,000 SF	
LOT WIDTH (MIN) ⁹⁴			
	All Lots	30'	
LOT COVERAGE (MAX) ⁹⁵			
	All Lots	80%	
SETBACKS ⁹⁶			
	Front	0'	
	Side (adjacent to Residential District)	10'	
	Side (adjacent to Non-Residential District)	0'	
	Rear (adjacent to Residential District)	10'	
	Rear (adjacent to Non-Residential District)	0'	
HEIGHT (MAX)* ⁹⁷			
		Feet	Stories
	Principal Structures (adjacent to Residential District)	35'	2.5
	Principal Structures (adjacent to Non-Residential District)	75'	6
	Accessory Structures	25'	1.5
*The maximum height for all principal structures may be increased up to 50%, provided all setbacks are increased 1 ft. for every 1. ft. increase in height above the maximum.			

⁹³ **Editor's Note:** A minimum lot area is not currently specified for the M-1 District. A minimum lot area of 10,000 SF has been introduced.

⁹⁴ **Editor's Note:** A minimum lot width is not currently specified for the M-1 District. A minimum lot width of 30' has been introduced.

⁹⁵ **Editor's Note:** A maximum lot coverage of 80% has been introduced.

⁹⁶ **Editor's Note:** Setbacks, including distinctions when located next to a residential district, have been retained from Article 22.

⁹⁷ **Editor's Note:** Maximum height, including distinctions when located next to a Residential District, have been retained from Article 22. Accessory structure height has been introduced.

Section 4-7-2. M-2, Heavy Industrial.

- (A) **Establishment and Intent.** The M-2 District is established to encourage and provide for large-scale manufacturing operations in appropriate areas that are fully separated from daily services and residences. The uses in this district may include outside storage, noise, smoke, or odor, which shall be mitigated with industry best practice for the compatibility of the surrounding area and the preservation of the environment.
- (B) **General District Standards.**

Table 4-22. M-2 District Standards.

		M-2
LOT AREA (MIN) ⁹⁸		
	All Lots	1 acre
LOT WIDTH (MIN) ⁹⁹		
	All Lots	100’
LOT COVERAGE (MAX) ¹⁰⁰		
	All Lots	80%
SETBACKS (MIN) ¹⁰¹		
	Front	0’
	Side (adjacent to Residential)	25’
	Side (adjacent to Non-Residential)	0’
	Rear (adjacent to Residential)	25’
	Rear (adjacent to Non-Residential)	0’
HEIGHT (MAX) ¹⁰²		
	Feet	Stories
	Principal Structures (adjacent to Residential)	4.5
	Principal Structures (adjacent to Non-Residential)	8
	Accessory Structures	2
<i>*The maximum height for all principal structures may be increased up to 50%, provided all setbacks are increased 1 ft. for every 1. ft. increase in height above the maximum.</i>		

⁹⁸ **Editor’s Note:** A minimum lot area is not currently specified for the M-2 District. A minimum lot area of 1 acre has been introduced.

⁹⁹ **Editor’s Note:** A minimum lot width is not currently specified for the M-2 District. A minimum lot width of 100’ has been introduced.

¹⁰⁰ **Editor’s Note:** A maximum lot coverage of 80% has been introduced.

¹⁰¹ **Editor’s Note:** Setbacks, including distinctions when located next to a residential district, have been retained from Article 22.

¹⁰² **Editor’s Note:** Maximum height provisions in M-2 have been simplified to a base maximum height of 75 ft., with increased heights possible if setbacks are increased accordingly.

Division 8. Planned District Standards.

Section 4-8-1. PUD, Planned Unit Development District.

(A) Establishment and Intent.

- (1) The intent of Planned Development Districts is to encourage innovative and efficient land use planning and physical design on large, unified sites. Planned Development Districts are intended to:
 - (i) Achieve a high quality of development while protecting environmentally sensitive areas;
 - (ii) Provide a well-integrated mix of non-residential and recreation uses with various residential dwelling types to achieve a walkable, connected neighborhood;
 - (iii) Allow more efficient use of land through coordinated networks of streets, utilities, and pedestrian connections, both within the development and to adjacent development;
 - (iv) Encourage the provision of accessible and useable open space and recreational amenities within the development;
 - (v) Promote development forms and patterns that respect the character of established surrounding neighborhoods and other land uses; and
 - (vi) Promote development patterns that complement a site's natural and man-made features, such as rivers, lakes, wetlands, floodplains, trees, and historic and cultural resources.

(B) General District Standards.

Table 4-23. PUD District Standards.¹⁰³

	PUD
DISTRICT AREA (MIN)	
Contiguous District Area	2 acres ¹⁰⁴
LOT AREA (MIN)	
All Lots	None
LOT WIDTH (MIN)	
All Lots	None
LOT COVERAGE (MAX)	
All Lots	60%
SETBACKS	
<i>As shown on approved Concept Plan</i>	
DISTANCE BETWEEN BUILDINGS (MIN) ¹⁰⁵	
All Buildings	15'
BUILD-TO ZONE	
<i>As shown on approved Concept Plan</i>	
HEIGHT (MAX)	
Dwelling, Multi-Family	80'
All Other Residential Structures	35'
Non-Residential Structures; Vertical Mixed-Use	50'
COMMERCIAL AREA (MAX)	
Commercial Area	20% of total development area

(C) Administration.¹⁰⁶

- (1) Planned Development districts shall be established by amendment to the Zoning Map, in accordance with **Article 3, Permits and Applications**, of this Ordinance.
 - (i) A Concept Plan shall be required in accordance with **Section 3-1-5**.

¹⁰³ **Editor’s Note:** The current Ordinance does not include standards for PUD development; the dimensional standards in the table are therefore introduced based on comparable districts in other Virginia localities and can be further amended by staff as desired.

¹⁰⁴ **Editor’s Note:** Article 26, Section 2 of the current Ordinance provides a 10-acre lot minimum for PUD districts, which can be waived in certain circumstances. However, this minimum district size is quite high for a urban context; propose reducing to 2 acres. This is because there are several vacant lots in Petersburg between 2-5 acres that are already zoned PUD; therefore, this would help facilitate by-right development.

¹⁰⁵ **Editor’s Note:** While setbacks, lot area, and lot width can all be determined at the Concept Plan stage, establishing a minimum distance between buildings is a best practice to prevent overcrowding and to facilitate emergency vehicle/law enforcement access in an emergency. The distance can be amended by the City as desired, but Berkley Group does not recommend a decrease.

¹⁰⁶ **Editor’s Note:** Article 26, Sections 4-9 address application and review procedures for a PUD; these have been removed from the district regulations and a cross-reference to Article 3 has been added, as the procedures are the same as what is articulated there and therefore the redundancy is not needed. Article 26, Section 3 addressing unified ownership is included in **(B)(2)**.

- (2) The area proposed shall be in unified ownership or control at the time of application, and the application filed jointly by all owners of the properties included in the zoning map amendment.
- (3) No development within a PUD, including, but not limited to clearing, grading, excavating, road building, site preparation, or structural improvements, shall occur prior to approval of a Site Plan in accordance with **Article 3, Permits and Applications**, of this Ordinance.
- (4) All development and subsequent operation within a PUD shall be undertaken in accordance with the provisions of the approved application and Site Plan.
- (5) No transfer, sale, or conveyance of any individual lot or interest shall be permitted prior to Final Plat approval, in accordance with **Article 10, Subdivision**, of this Ordinance.
- (6) **Modifications.**
 - (i) Major modifications to the PUD Site Plan, including changes to housing types, densities, permitted land uses, architectural elevations, open space area, type of community facilities, or general location of any elements, or other aspects of the PUD Site Plan, where the change is not in keeping with the concept of the approved PUD Site Plan shall require an amendment to the PUD Site Plan in accordance with **Article 3, Permits and Applications**, of this Ordinance.¹⁰⁷
 - (ii) Minor modifications to the PUD Site Plan, which clearly are in substantial conformity with the approved PUD Site Plan, may be approved by the Planning Director without applying for an amendment to the PUD Site Plan. Substantial conformity shall mean that conformity which leaves a reasonable margin for adjustment due to final engineering data, but conforms to the general nature of the development, the specific uses, the general layout depicted by the plans, profiles, elevations, and other demonstrative materials presented by the applicant.¹⁰⁸
- (7) **Waivers.**
 - (i) **General.**
 - (a) A proposed development may deviate from the guidelines in this Division, unless an associated use requires approval of a rezoning or SUP under **Article 3, Permits and Applications**, of this Ordinance. Any waiver from the standards and guidelines shall be specifically acknowledged by means of a proffer or conditions. A request for waiver must:
 - i. Clearly outline the requested waiver(s), and
 - ii. Justify the need or benefit to the public and community should the waiver be granted.

¹⁰⁷ **Editor's Note:** Major modification procedures are currently included in Article 26, Section 7 of the current Ordinance but have been revised for clarity.

¹⁰⁸ **Editor's Note:** Minor modification procedures are currently included in Article 26, Section 7 of the current Ordinance but have been revised for clarity.

- (D) **Character of Development.**¹⁰⁹ Development within PUD districts should encourage development form and character that is aesthetically pleasing and is different from conventional suburban development, which typically includes the following:
- (1) Neighborhood friendly streets and paths;
 - (2) Interconnected streets and transportation networks;
 - (3) Parks, recreation, and open space amenities;
 - (4) Appropriate neighborhood-oriented commercial uses in district centers;
 - (5) Appropriately scaled buildings and spaces;
 - (6) Mixture of housing types and affordability; and
 - (7) Environmentally sensitive design.
- (E) **Development Standards.**¹¹⁰ In addition to the standards provided in **Table 4-23**, the following standards shall apply:
- (1) **General.**
 - (i) All fencing, lighting, landscaping and screening, parking areas, open space, and signage shall comply with all applicable standards of **Article 8, Community Development Standards**, of this Ordinance.
 - (ii) Areas between buildings used as service yards, storage of trash, or other utility purposes should be designed to be compatible with adjoining buildings and are subject to the screening requirements of **Article 8, Community Development Standards**, of this Ordinance.
 - (iii) Setbacks shall not interfere with public safety issues such as intersection sight distance or utilities, including other public infrastructure such as sidewalks, open space, etc.
 - (iv) The PUD shall demonstrate as part of the application how it will employ an overall cohesive character with design elements including, but not limited to, materials, balconies, terraces, articulation of doors and windows, sculptural or textual relief of facades, architectural ornamentation, varied roof lines, or other appurtenances, such as lighting fixtures and landscaping. Compatibility may be achieved through the use of similar building massing, materials, scale, colors and other architectural features.
 - (2) **Residential.** A mixture of residential structures is critical for providing good housing opportunities in a healthy neighborhood setting. Residential units should vary by dwelling type in a logical and attractive manner to best fit the site.

¹⁰⁹ **Editor’s Note:** The definition of a PUD included in Article 26, Section 2 of the current Ordinance has been relocated to Article 11, Definitions, of the draft Ordinance.

¹¹⁰ **Editor’s Note:** All provisions included under **(E)** are proposed additions to better facilitate high-quality and well-designed PUD development.

- (i) The gross and net residential densities shall be shown on the approved Concept Plan by area and for the development as a whole in dwelling units per acre (du/acre) and shall be binding upon its approval.
- (3) **Commercial.** All commercial uses should be designed in a logical and attractive manner to best fit the site and to be directly walkable from surrounding residential uses.
 - (i) Commercial uses shall be those permitted in **Article 6, Use Matrix**, of this Ordinance.
- (4) **Open Space.** In addition to the applicable standards of **Article 8, Community Development Standards**, of this Ordinance:
 - (i) The required open space shall not be less than 20% percent of the total gross area of the PUD development.
 - (a) Appropriate active and passive recreational uses as defined in **Article 11, Definitions**, of this Ordinance, shall be provided within the open space area to serve the development.
 - (b) 40% of all open space within a PUD development shall be dedicated to active recreation uses.
 - (ii) All open space, including developed open space, shall be specifically included in the development schedule, and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.
 - (a) A Certificate of Occupancy shall not be issued until the open space has been completed as designed.
 - (iii) There shall be established a non-profit association, a stock or membership corporation, trust, or property owners' association (POA) to ensure maintenance of open spaces.
 - (a) When the open space is to be maintained through a non-profit association, corporation, trust, or POA, said organization shall conform to the following requirements:
 - i. The developer must establish the organization prior to the sale of any lots.
 - ii. Membership in the organization shall be mandatory for all residential property owners, present or future within the PUD development, and said organization shall not discriminate in its members or shareholders.
 - iii. The organization shall manage all open space and recreational facilities and shall provide for the maintenance, administration, and operation of said land and improvements, and shall secure adequate liability insurance on the land.

Division 9. Agricultural District Standards.

Section 4-9-1. A, Agricultural District Standards.

(A) **Establishment and Intent.** The A District is established to facilitate the protection and conservation of Petersburg’s historic and natural resources, particularly in and around Petersburg National Battlefield. While land use in this district is generally rural and/or agricultural, it is nevertheless located near urban development and where urban services can be extended at the appropriate time. Therefore, permanent preservation of agricultural uses and rural lands is not intended. Conversion of agricultural lands for industrial and economic development is appropriate.

(B) **Limitations.**

- (1) No additional parcels shall be rezoned to A after [effective date of Ordinance].¹¹¹
- (2) No subdivision creating more than one new parcel shall be permitted in the A District. To create more than one new parcel, the property must first be rezoned to an appropriate zoning district.¹¹²
- (3) For lots not served by public water and/or sewer, minimum lot size may be increased as required by the Virginia Department of Health to ensure proper siting of private wells and/or on-site sewage disposal systems.¹¹³

(C) **General District Standards.**

Table 4-24. A District Standards.

		A
LOT AREA (MIN) ¹¹⁴		
	All Lots	1 acre
LOT WIDTH (MIN) ¹¹⁵		
	All Lots	100’
SETBACKS ¹¹⁶		
	Front (ROWs ≥ 50’)	35’
	Front (ROWs < 50’)	55’
	Side	15’

¹¹¹ **Editor’s Note:** Provision has been introduced to limit any expansion of the existing Agricultural District, to be consistent with the adopted Future Land Use Map (FLUM).

¹¹² **Editor’s Note:** Provision limiting subdivisions in the A district has been retained from Article 4-A, Section 9(1), with minor revisions for clarity.

¹¹³ **Editor’s Note:** Provision to increase lot size per the Virginia Department of Health for well/septic systems, as applicable, has been retained from Article 4-A, Section 4.

¹¹⁴ **Editor’s Note:** A minimum lot area is not currently established; a parcel just needs to be within a minimum contiguous area of 8 acres that is zoned agricultural. A minimum lot size of 1 acre has been introduced.

¹¹⁵ **Editor’s Note:** A minimum lot width is not currently established in the A District. A minimum lot width of 100 ft. has been introduced.

¹¹⁶ **Editor’s Note:** Front setbacks based on the right-of-way width have been retained. The side setback has been streamlined to 15 ft., which replaces the current minimum requirement of 10% of lot width, with an aggregate of 30 ft.

Table 4-24. A District Standards.

	A
Rear	30'
HEIGHT (MAX) ¹¹⁷	
Principal Structures	45'
Accessory Structures	15'

¹¹⁷ **Editor’s Note:** The existing maximum height of 45 ft. for principal structures has been retained. A maximum height of 15 ft. for accessory structures has been introduced. (Note: Maximum heights do not apply to agriculture-related buildings per state code.)

Division 10. Cluster Development.¹¹⁸

Section 4-10-1. Purpose and Intent.

- (A) The purpose of cluster provisions is to:
- (1) Encourage the protection and preservation of open space and agricultural lands in the City;
 - (2) Encourage development in a manner which lessens the cost of infrastructure;
 - (3) Provide incentives for clustering residential development in the most appropriate locations;
 - (4) Encourage more efficient and aesthetic use of open space;
 - (i) Encourage the reservation of open space for scenic and recreational uses;
 - (5) Create and encourage the use of a variety of development choices to satisfy the changing needs of the City; and
 - (6) Offer flexibility to the developer in his approach and solution to land development problems.

Section 4-10-2. General.

- (A) The provisions of this article will allow residential dwellings to be developed in clusters, subject to the provisions of **Article 10, Subdivision**, of this Ordinance.
- (B) A cluster development shall be subject to all the applicable standards of this Ordinance, and all other requirements of the City of Petersburg, unless specifically modified or excepted by the provisions of this Article.
- (C) Cluster development as allowed by the provisions of this article shall be permitted only in the following districts:
- (1) A, Agricultural;
 - (2) R-1A, Single Family Residence;
 - (3) R-1, Single Family Residence;
- (D) The permitted uses for cluster developments shall conform to the respective permitted uses for the district in which the development is located.

¹¹⁸ **Editor's Note:** Please note that Divisions 10 and 11 of this Article will eventually be removed and added to another Article to address supplemental development standards per City staff direction. The name and number of this Article will be determined after the entirety of the Ordinance is drafted.

Section 4-10-3. Standards.

- (A) All cluster developments shall provide at least 50% contiguous open space, which shall be designed and used in accordance with the standards for open space provided in **Article 8, Community Development Standards**, of this Ordinance.
- (B) Cluster developments shall be designed such that lots are arranged in a compact pattern that groups them together in close proximity, in order to preserve larger areas of open space elsewhere on the site. Lot configurations shall avoid scattered or dispersed layouts.
- (C) Individual lot sizes, width, and setback requirements may be reduced up to 50% of the underlying district standard.
 - (1) In the PUD district, lot sizes and widths shall be in accordance with the approved Concept Plan.
- (D) The requirements for corner visibility, as set forth in **Article 8, Community Development Standards**, of this Ordinance shall not be waived.
- (E) Cluster developments shall be served by public water and sewer.
- (F) Lots shall have entrances onto the local street and shall not have individual entrances onto an arterial or collector road.
- (G) Acreage set aside for streets and utilities shall not be included in the area set aside for open space.
- (H) The cluster development shall be designed to ensure quality development and preservation of open space. In order to accomplish these goals, the following specific features on the land included in the cluster development shall be situated to the extent practicable in the reserved area of open space:
 - (1) **Historic and Cultural Features.** Historic and cultural features shall include those features and archeological sites which have been identified by the Virginia Department of Historic Resources, the National Trust of Historic Preservation, or other state, local or federal entities charged with the identification of historic and cultural resources.
 - (i) Historic and cultural features, sensitive environmental features and agricultural lands not situated in the reserved area of open space shall be identified along with provisions to protect these features.
 - (2) **Sensitive Environmental Features.** Sensitive environmental features shall include:
 - (i) Wetlands;
 - (ii) Non-tidal wetlands and watercourses as defined under state law or in the Comprehensive Plan; and
 - (iii) Slopes in excess of 15%.
 - (3) **Agricultural Lands.** Agricultural lands shall include the most productive agricultural land as determined by the City agricultural extension agent.

- (4) **Natural Ridge Lines.** Natural ridge lines shall include the area along the top of a hilltop or ridge.
 - (i) Residential dwellings shall not be located along natural ridge lines or on slopes in excess of 15%, and clearing of natural ridge line or on critical slopes shall be minimized.
- (l) The landowner or developer shall have a qualified expert, acceptable to the Zoning Administrator, identify on the subdivision plat and include measures to protect the features set forth in (l)(1), above, as part of the cluster development and the expert shall certify compliance with this section on the subdivision plat.

Section 4-10-4. Cluster Open Space Standards.

- (A) Required open space shall not be subdivided or used for any residential, commercial, or industrial purposes.
- (B) Restrictive covenants and a conservation easement shall be established by the subdivider for all areas preserved as open space. These instruments must reflect the limitations applicable to the reserved area in accordance with (A)(1), above, and shall be:
 - (1) Reviewed and approved by the City Attorney; and
 - (2) Recorded with the approved final subdivision plat in the land records maintained by the Clerk of the Circuit Court.
- (C) The conservation easement must be placed with the Virginia Outdoors Foundation or a similar organization approved by the City Council. Alternatively, the City Council may accept the easement directly, in which case enforcement responsibilities may be delegated to the Zoning Administrator.
 - (1) The easement holder must have independent legal standing and be willing and able to enforce the easement in perpetuity.
 - (2) Any subsequent change to the conservation easement or restrictive covenants recorded for the open space must be approved by the City Attorney as consistent with the original approved cluster and this Division prior to recordation.
- (D) The following language or other language approved by the Zoning Administrator and City Attorney shall be used in the deed of restrictive covenants or deed of conservation easement and shall be shown on the face of the plat of subdivision:
 - (1) “The land designated as open space or reserved area as shown hereon [or as described herein (in the case of a deed)] may be used only for agriculture, forestry, or nature preserve.”
- (E) The Zoning Administrator shall issue no zoning permit and the Subdivision Agent shall approve no plat that would violate the terms or intent of this article.
- (F) Ownership of the parcel designated as open space must be clearly established and approved by the City Attorney, as meeting the requirements of this article prior to the approval of the subdivision plat for the cluster development.

- (G) There must be a property owners' association responsible for the maintenance and upkeep of any facilities that may be constructed in relation to the use of the open space unless the City determines that accepting the facilities into the City's maintenance would be appropriate. The restrictions on the reserved area shall be recorded in the deed for the open space parcel as well as each lot in the cluster subdivision.

Division 11. Cottage Court Development.

Section 4-11-1. Purpose and Intent.

- (A) The purpose of cottage court development standards is to:
- (1) Provide a housing option composed of small-footprint, ground-oriented dwellings arranged around shared open space;
 - (2) Encourage walkable and community-oriented site design that fosters social interaction and efficient land use;
 - (3) Support infill development and expand housing choice in residential districts;
 - (4) Promote sustainable development patterns through compact design and shared infrastructure; and
 - (5) Facilitate a flexible alternative to conventional subdivision layouts that can respond to changing household sizes and housing needs.

Section 4-11-2. Development Standards.

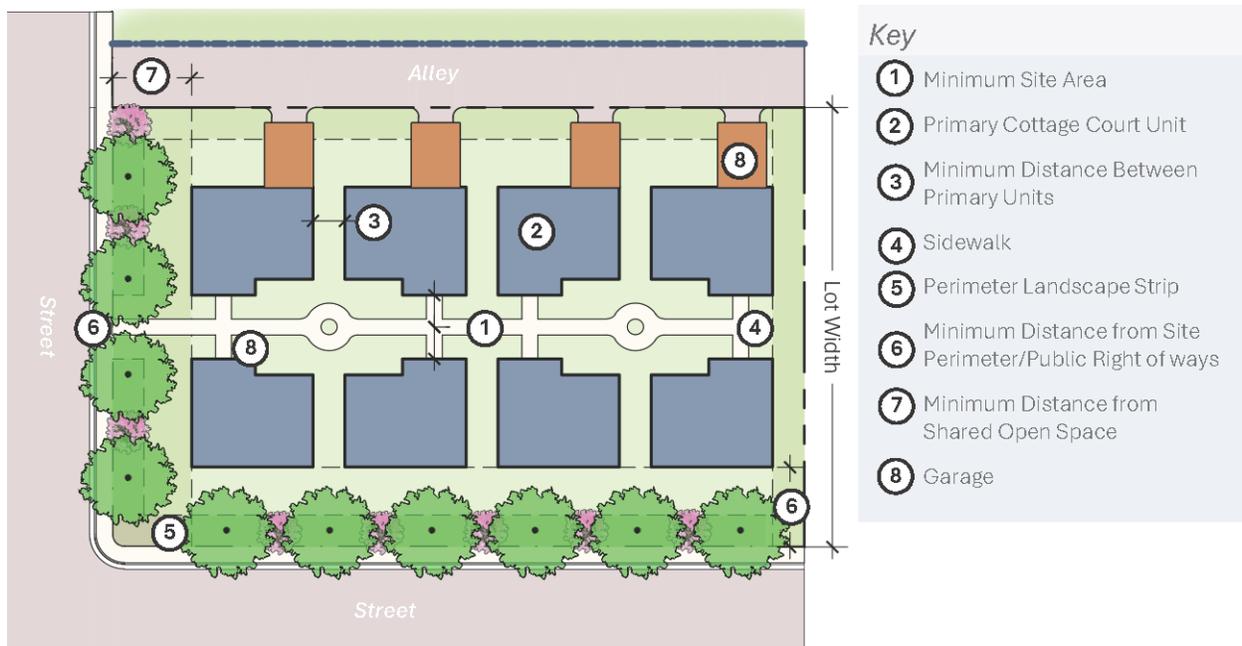
Table 4-25. Cottage Court Development Standards.

		Cottage Courts
PROJECT AREA (MIN)		
	Cottage Courts	0.5 acre
NUMBER OF UNITS		
	Minimum	6
	Maximum	12
UNIT SIZE (MAX)		
	Unit Size	1,000 SF
SETBACKS AND DISTANCES BETWEEN FEATURES (MIN)		
	Minimum Distance Between Units	10'
	Minimum Distance from Shared Open Space	10'
	Minimum Distance from Site Perimeter or Public ROWs	25'
OPEN SPACE/COURTYARD		
	Per Unit Requirement	150 SF
HEIGHT (MAX)		
	Principal Structure	25'
	Accessory Structure	15'

- (A) Each dwelling unit shall front on and be directly accessed from a shared courtyard.
- (B) Parking shall be offered as a shared parking lot or individual rear-access only.
- (1) Shared parking lots shall be located to the rear or side of the development, and screened in accordance with **Article 8, Community Development Standards**, of this Ordinance.
 - (i) Shared parking lots shall incorporate bicycle parking racks for at least 1 bicycle per unit.

- (2) Garages, if provided, shall not face shared courtyards or open space.
- (C) There shall be a sidewalk with a minimum width of 5 ft. connecting all units to:
 - (1) Shared parking areas,
 - (2) Shared courtyard/open space areas; and
 - (3) Any existing external pedestrian accommodations.
- (D) Cottage court developments may be held in condominium ownership or maintained under single ownership and leased by a property manager.
 - (1) Shared common areas, services, and infrastructure shall be maintained by an owners association or a property management company.
- (E) Transitional Screening Buffer Type B shall be provided along the site perimeter, and shall be planted in accordance with [Article 8, Division 6](#), of this Ordinance.

Figure 4-5. Cottage Court Development Standards.



ARTICLE 5. Overlay Zoning Districts.

Division 1. Establishment.

Section 5-1-1. General.¹

- (A) This Article creates overlay districts that add extra development and design rules to the base zoning districts. These overlays do not replace the rules and regulations established for primary zoning districts, but serve to supplement them. In the event of a conflict between the provisions or requirements of an overlay district and those of any underlying primary zoning district, the stricter provision shall apply.
- (B) The City of Petersburg hereby establishes and designates the following overlay zoning district(s):
- (1) Highway Corridor Overlay District (HCOD); and
 - (2) Historic Overlay District (HOD).

Division 2. Highway Corridor Overlay District (HCOD).²

Section 5-2-1. Purpose.

- (A) The purpose of the Highway Corridor Overlay District (HCOD) is to:
- (1) Encourage land assembly and the most desirable use of land in accordance with the City of Petersburg Comprehensive Plan;
 - (2) Encourage a positive visual experience along the City's major existing highway corridors; and
 - (3) Maintain natural beauty and the scenic, cultural, and historic character of these corridors, particularly distinctive views, vistas, and visual continuity.

Section 5-2-2. Applicability.

- (A) **Applicability of HCOD.** The HCOD shall apply to all lands as identified below:
- (1) **Wagner Road/U.S. Route 460.** All land within 400 ft. of either side of Wagner Road/U.S. Route 460, from its intersection with Interstate 95 west to South Crater Road/U.S. Route 301.
 - (2) **S. Crater Road/U.S. Route 301.** All land within:
 - (i) 500 ft. of either side of S. Crater Road/U.S. Route 301, from its intersection with Wagner Road/U.S. Route 460 north to its intersection with Weyanoke Street.

¹ **Editor's Note:** New text introduced to generally establish zoning overlay districts and relationship to underlying district regulations.

² **Editor's Note:** The HCOD is a new overlay district for the City.

- (ii) 200 ft. of either side of S. Crater Road/U.S. Route 301, from its intersection with Weyanoke Street north to its intersection with Wythe Street.
- (3) **S. Sycamore Street.** All land within 200 ft. of either side of S. Sycamore Street, from its intersection with S. Crater Road/U.S. Route 301 north to its intersection with Wythe Street.
- (B) **Method for Determination of Boundaries.** HCOD district boundaries shall be determined as follows:
 - (1) Length of the district shall be established by fixing points of beginning and end along the centerline of a street or highway.
 - (2) Width shall be established by designation of the distance on one (1) or both sides of a street or highway right-of-way (ROW) to which the overlay district will extend.

Section 5-2-3. Applicability of Standards.

- (A) The standards established in this Division shall apply to all lots located fully or partially within the HCOD, including property without direct frontage along the designated HCOD corridor.
 - (1) Solely residential developments with no other use types in the same development shall be exempt.

Section 5-2-4. Uses.

- (A) Unless otherwise specified in proffers, conditions, or (B), below, uses permitted by-right and by SUP in the underlying zoning districts shall have the same permissions in the HCOD.
- (B) The following uses shall be prohibited in the HCOD:
 - (1) *Adult use;*
 - (2) *Car Wash;*
 - (3) *Equipment Sales, Service, and Repair (Heavy);*
 - (4) *Junkyard/Salvage Yard;*
 - (5) *Manufactured Home Sales;*
 - (6) *Outdoor Storage;*
 - (7) *Parking Lot/Structure, Off-Site;*
 - (8) *Pawnshop;*
 - (9) *Retail Store, Alcoholic Beverage Sales;*
 - (10) *Retail Store, Small Box Discount;*
 - (11) *Short-Term Loan Establishment;*
 - (12) *Vape/Smoke Shop, Off- and On-Site Use;*
 - (13) *Vehicle Repair/Service, Major and Minor; and*

(14) *Vehicle Sales, Used.*

Section 5-2-4. Development and Design Standards.

(A) **Parking.** All off-street parking areas shall be located to the rear or side of the principal structure.

(1) The Zoning Administrator may modify or waive this requirement if the applicant sufficiently demonstrates that topography or other site conditions are prohibitive.

(B) **Building Facades.**

(1) **Active Building Façade.** For all building types directly adjacent to the HCOD street, at least one active building façade shall be constructed parallel to the HCOD ROW.

(i) **Façade Length.** To avoid long and monotonous wall surfaces, no uninterrupted façade visible from the HCOD ROW shall exceed 100 ft. in length.

(ii) **Façade Colors.** Excluding signage, all colors used on building façades and façade materials shall be primarily composed of natural earth tones, as defined in **Article 11, Definitions**, of this Ordinance.

(iii) Bright, non-earth tone colors such as yellows, oranges, pinks, and purples will be limited to not exceed 20% of any single exterior wall area as a trim element.

(iv) Trim colors must be used for accent and identifying purposes and will be the brightest group of colors allowed.

(C) **Signs.**

(1) Pole-mounted signs are prohibited.

(2) The base of all signs placed at the primary access to the parcel shall be landscaped.

(i) A 3 ft. wide landscaped area shall surround the base of the sign in all directions.

(ii) Such landscaping shall consist of a mix of shrubs and flowers.

(iii) Plantings at the base of signage shall be regularly maintained and shall not grow to a height that partially or fully obstructs sign copy, as visible from the HCOD ROW.

(D) **Lighting.** The maximum height of all lighting types in all lighting zones shall be 20 ft.

Division 3. Historic Overlay District (HOD).

Section 5-3-1. Authority.

Pursuant to Code of Virginia § 15.2-2306, the City Council shall have the authority to designate buildings and landmarks, and create Historic Overlay Districts.

Section 5-3-2. Purpose.³

(A) The purpose of the HOD is to:

- (1) Promote educational, cultural, business, travel, industrial, and other economic resources;
- (2) Preserve and protect the City’s historic or architecturally significant buildings, structures, places and areas;
- (3) Encourage that new buildings and development in historic districts respect and reinforce the visual and spatial character of the area, using compatible forms, materials, and siting that do not detract from the district’s historic integrity;
- (4) Ensure that rehabilitation or alterations of historic structures are differentiated from original features while being compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment;
- (5) Promote the rehabilitation and upkeep of significant structures and encourage appropriate land use planning and development that will enhance both the economic viability and historic character of the district(s);
- (6) Encourage local heritage resource identification and preservation efforts and the nomination of qualified properties for listing in the City of Petersburg Inventory of Historic Sites, the Virginia Landmarks Register, and the National Register of Historic Places; and
- (7) Ensure that historic preservation efforts are in accordance with Code of Virginia § 15.2-2306.

Section 5-3-3. Applicability.⁴

(A) The HOD regulations shall apply to the areas designated as “Local Historic Areas” on the map hereinafter called the “Historic Areas Map”⁵ :

- (1) Olde Towne Historic Area;
- (2) Poplar Lawn Historic Area;
- (3) Folly Castle Historic Area;
- (4) Centre Hill Historic Area;
- (5) South Market Street Historic Area;
- (6) Courthouse Historic Area; and
- (7) Battersea/West High Street Historic Area.

³ **Editor’s Note:** Items 1 through 3 of Section 5-1-2 (A) retains the provisions of Article 35, Section 1 of the existing ordinance, with minor revisions for clarity. Items 4 through 6 are new.

⁴ **Editor’s Note:** The listed historic districts utilize the names provided on the City of Petersburg GIS map application(s).

⁵ **Editor’s Note:** Article 35, Section 3 of the existing ordinance makes a reference to a “historic areas zoning map.” As there is no official title on the map itself, propose to refer to it as “Historic Areas Map” in the Zoning Ordinance.

Section 5-3-4. Uses.⁶

- (A) Unless otherwise specified in proffers, conditions, or (B), below, uses permitted by-right and by SUP in the underlying zoning districts shall have the same permissions in the HOD.
- (B) The following uses shall be prohibited in the HOD:
- (1) *Adult use;*
 - (2) *Casino Gaming Establishment;*
 - (3) *Junkyard/Salvage Yard;*
 - (4) *Outdoor Storage;*
 - (5) *Pawnshop;*
 - (6) *Short-term loan establishment; and*
 - (7) *Tobacco/Vape Shop.*

Section 5-3-5. Development and Design Standards.⁷

All development, including parking and loading areas, within the HOD shall be in general conformance with the policies and recommendations set forth in the *Petersburg Historic Districts' Guidelines* and *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.

Section 5-3-6. Protective Maintenance.⁸

- (A) The owner of any building or structure located within the HOD shall keep such structure properly maintained and repaired as to protect against decay and deterioration. Examples include:
- (1) Deterioration of the exterior of a structure to the extent that it creates, or permits, a hazardous or unsafe condition; or
 - (2) Deterioration of exterior walls or other vertical supports, horizontal members, roofs, chimneys, exterior wall elements such as siding, wooden walls, brick, plaster, or mortar, to the extent that it adversely affects the character of the HOD or the structure or could reasonably lead to irreversible damage to the structure.
- (B) Upon determination of a protective maintenance violation, the Zoning Administrator shall notify the owner in writing of the determination and compliance timeframe.
- (1) Within 30 days of receipt of such notice, the owner shall commence the necessary stabilization repairs and shall complete the repairs within 120 days of such notice.

⁶ **Editor's Note:** This Section is new to provide additional protections that future development will be compatible with uses that correlate to the City's historic areas.

⁷ **Editor's Note:** New provision to clarify that development and design standards must be consistent with local historic design guidelines and the national standards for treatment of historic properties in the HOD.

⁸ **Editor's Note:** This requirement is currently included in Article 35, Section 16 of the current Zoning Ordinance. This language has been amended for clarity. The language in the existing ordinance includes "whatever legal processes are needed to assure that this duty is discharged fully and properly." Rather than include ambiguous language for enforcement, the HOD should utilize the general Zoning Ordinance enforcement measures of draft Article 2, Division 5.

- (2) Upon written request from the owner, the ARB may extend these timeframes with approval of an abatement plan.
 - (3) If appropriate action is not taken within the established timeframes, the City may initiate appropriate legal action, in accordance with **Article 2, Administration**, of this Ordinance.
- (C) The boarding of a vacant structure within the HOD, or a historic landmark, shall constitute the alteration of the exterior architectural features of such structure.⁹
- (1) In the event such boarding is accomplished pursuant to an order from the Building Official to secure a hazardous structure against entry, the owner shall comply with such order, and within 15 days of the date of such order shall apply for a Certificate of Appropriateness.
 - (i) In considering any such application, the ARB may impose such conditions as may be appropriate to secure or preserve the historic elements of the structure against further loss, damage, or deterioration.

Section 5-3-7. Historic District Designation or Expansion.

- (A) **General.**¹⁰ The City Council may establish or expand an HOD in accordance with Code of Virginia § 15.2-2306 and in accordance with one or more of the following criteria:
- (1) Is closely associated with the life or contributions of a person or persons significant to the history of the community, state, or nation;
 - (2) Is the site of a significant local, state, or national event;
 - (3) Is clearly identified with a person or persons who significantly contributed to the development of the community, state, or country;
 - (4) Embodies the distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
 - (5) Is identified as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, state, or country;
 - (6) Embodies elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
 - (7) Exhibits design features that contribute to its structural or architectural significance;
 - (8) Occupies a unique location or possesses singular physical characteristics that make it an established or familiar visual feature; and/or
 - (9) Provides for a landscape unit needed to control potentially adverse influences on lands closely related to and bearing upon the character of historic site or sites.

⁹ **Editor's Note:** Item C is new.

¹⁰ **Editor's Note:** Text has been retained from Article 35, Section 3.1. of the current Ordinance, with minor revisions for clarity.

(B) **Initiation.**¹¹ The designation or expansion of an HOD may be initiated by:

- (1) Resolution of City Council;
- (2) Motion of the Planning Commission;
- (3) Recommendation of initiation by the ARB; or
- (4) Petition by a property owner or the owner’s agent.

(C) **Application for Historic District Designation.**¹²

- (1) The following information is required for consideration of HOD designation and must be submitted with the application:
 - (i) An inventory listing each building, landmark, or structure within the district which itself has historic merit or contributes to the overall historic character of the district;
 - (ii) A graphic presentation of the location of landmarks, sites, buildings, or other structures of particular historic value as well as the boundaries of the total proposed area to be included within the designation; and
 - (iii) A written statement documenting the particular historical attributes of the territory proposed to be designated.
- (2) A completed application for the Virginia Landmarks Register and/or National Register of Historic Places that contains the information required in (C)(1), above, may be submitted as the formal application to the City.

(D) **Procedures for Review and Action.**¹³

- (1) Prior to the establishment of a HOD, the ARB may conduct research and make a report on the historic significance of the buildings, structures, features, sites, objects and surroundings of the area. Such report may contain recommendations for the areas to be included in the proposed HOD.
- (2) Public hearings and notification on the proposed HOD by the Planning Commission and City Council shall be in accordance with Article 3, Permits and Applications, of this Ordinance.

Section 5-3-8. Additional Procedures.¹⁴

(A) **Certificate of Appropriateness.** A Certificate of Appropriateness shall be required for any construction, alteration, or demolition of buildings or structures within the HOD, and in accordance with the provisions of Article 3, Division 10, of this Ordinance.

¹¹ **Editor’s Note:** Initiation provisions are materially the same as Article 35, Section 3.2, with minor formatting revisions for clarity.

¹² **Editor’s note:** New provisions added to clarify the information required for review of a HOD designation/expansion.

¹³ **Editor’s Note:** New section proposed to clarify review and approval procedures.

¹⁴ **Editor’s Note:** This Section is new and is included to provide a connection to the procedural requirements, as they relate to the HOD, in Article 3 of the proposed ordinance.

- (B) **Designation of Historic Building.** The designation of structure to be a certified “Petersburg Historic Building” shall be in accordance with the provisions of **Article 3, Division 10**, of this Ordinance.

- (B) **Demolition, Razing, or Moving of Structures.** The owner of a building or structure located within the HOD shall be entitled to raze, demolish, or move such building or structure, in accordance with **Article 3, Division 10** of this Ordinance.
 - (1) Demolition, razing, or move of structures in violation of the provisions of this Article shall be enforced and remedied in accordance with **Article 2, Division 5** of this Ordinance.

ARTICLE 6. Use Matrix.

Division 1. Uses Provided.

Section 6-1-1. Organization.

- (A) The Use Matrix in this Article organizes permitted uses by zoning districts and use types. The Use Matrix; **Article 7, Use Performance Standards**; and **Article 11, Definitions**, of this Ordinance, together provide a systematic basis for identifying and organizing uses and distinguishing whether a particular use is allowable in a particular zoning district.
- (1) **Use Classifications.** Use classifications by zoning districts identify broad general classifications of land use and include agricultural uses; residential uses; public, civic, and recreational uses; commercial uses; industrial uses; and miscellaneous uses.
- (2) **Use Types.** The specific use types identify the specific principal uses that fall within each classification.

Section 6-1-2. Use Matrix Abbreviations.

- (A) **Accessory Uses.** “A” in a Use Matrix cell indicates that the use type in that row is permitted as an accessory use incidental to a permitted or specially permitted use in the zoning district at the head of that column, subject to any performance standards required by **Article 7, Use Performance Standards**, of this Ordinance.
- (B) **Permitted Uses.** “B” in a Use Matrix cell indicates that the use type in that row is permitted by-right in the zoning district at the head of that column, subject to any performance standards required by **Article 7, Use Performance Standards**, of this Ordinance.
- (C) **Special Uses.** “SUP” in a Use Matrix cell indicates that the use type in that row is allowed in the zoning district at the head of that column only upon approval of a Special Use Permit, in accordance with **Article 3, Permits and Applications**, and subject to any performance standards in **Article 7, Use Performance Standards**, of this Ordinance.
- (D) **Prohibited Uses.** A blank cell in the Use Matrix indicates that the use type in that row is prohibited in the zoning district at the head of that column.

Division 2. Uses Not Provided.

Section 6-2-1. Uses Not Provided.

- (A) The Zoning Administrator shall determine whether an unlisted use is part of an existing use classification or use type as defined in **Article 11, Definitions**, of this Ordinance. Upon determining the most similar use type, the Zoning Administrator shall treat the proposed use the same as the most similar one.
- (1) If the Zoning Administrator determines that the proposed use is not similar to any listed use type, that use is prohibited.

Division 3. Use Permissions.

Section 6-3-1. Primary and Accessory Uses.

If a use is identified as accessory in the use matrix, within the definition of the primary use, or is otherwise determined by the Zoning Administrator to be incidental and customarily associated with the primary use, a separate zoning permit is not required for the accessory use.

Section 6-3-2. Use Matrix.

Table 6-1. Use Matrix.

Use	Primary Zoning Districts																				Use Performance Standards
	A = Accessory Use B = By Right SUP = Special Use Permit B/SUP = By Right unless threshold triggers SUP Blank = Not Permitted																				
	A	R-1A	R-1	R-2	R-3	R-4	R-5	R-6	RMH	RTH	RB	B-1	B-2	B-3	ERC	M-1	M-2	MXD-1	MXD-2	MXD-3	
Accessory Uses																					
Accessory Structure	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	7-2-1
Drive-Through Facility											A	A		A	A						7-2-2
Dwelling, Accessory	A	A	A	A	A		A			A	A							A	A		7-2-3
Home Occupation	A	A	A	A	A	A	A	A	A	A	A							A	A		7-2-4
Outdoor Storage																A	A				7-2-5
Agricultural Uses																					
Agricultural Operation	B																				7-3-1
Agritourism	B																				7-3-2
Farm Stand	B																				7-3-3
Silvicultural Operation	B																				7-3-4
Commercial Uses																					
Adult Use																SUP					7-4-1
Brewery, Distillery, or Winery															B	B					
Brewery, Distillery, or Winery, Micro-											B	B	B	B	B				B	B	
Business Support Services											B	B	B	B	B					B	
Car Wash											B	B			B	B					7-4-2

Table 6-1. Use Matrix.

Use	Primary Zoning Districts																				Use Performance Standards
	A = Accessory Use B = By Right SUP = Special Use Permit B/SUP = By Right unless threshold triggers SUP Blank = Not Permitted																				
	A	R-1A	R-1	R-2	R-3	R-4	R-5	R-6	RMH	RTH	RB	B-1	B-2	B-3	ERC	M-1	M-2	MXD-1	MXD-2	MXD-3	
Casino Gaming Establishment															B						
Casino Gaming Establishment, Temporary															B						
Catering Facility										B	B	B	B	B					B	B	
Cigar Lounge																SUP					7-4-24
Consumer Repair Services											B	B	B		B				B	B	7-4-3
Convention Center												SUP		B						B	
Day Care Center										B	B	B	B	B				B	B		7-4-4
Entertainment/ Recreation, Commercial Indoor											SUP	B	B	B	B			B	B		
Entertainment/ Recreation, Commercial Outdoor	SUP											B		B	SUP						
Event Facility/ Banquet Hall											B	B	B	B				B	B	B	7-4-5
Farmers Market	SUP										B	B	B					SUP	SUP		7-4-6
Farmers Market, Mobile	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	7-4-7
Farmers Market, Popup	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	7-4-8
Financial Institution										B	B	B	B	B				B	B	B	
Funeral Home											B	B	B								

Table 6-1. Use Matrix.

Use	Primary Zoning Districts																				Use Performance Standards
	A = Accessory Use B = By Right SUP = Special Use Permit B/SUP = By Right unless threshold triggers SUP Blank = Not Permitted																				
	A	R-1A	R-1	R-2	R-3	R-4	R-5	R-6	RMH	RTH	RB	B-1	B-2	B-3	ERC	M-1	M-2	MXD-1	MXD-2	MXD-3	
Garden Center/Commercial Greenhouse	SUP										B	B	SUP		B						7-4-9
Gas Station, General											B	B	SUP	B	B	B					7-4-10
Gas Station, Limited										B	B	B	SUP							B	7-4-11
Gas Station, Major												B			B	B					7-4-10
Hospital											SUP	SUP	SUP		SUP					SUP	
Hotel											B	B	SUP	B	B		SUP	SUP	SUP		7-4-12
Kennel, Commercial	B											B			B						7-4-13
Laundry Facilities, Personal Scale							B				B	B	B		B						
Laundry Services, Commercial Scale														B	B	B					
Lounge/Bar											B	B	B				B	B	B		
Maker Space										B	B	B	B		B			B	B		
Manufactured/Modular Home Sales															SUP						7-4-14
Marina, Commercial														SUP		SUP	SUP				7-4-15
Media Production Studio															B	B	B			B	
Nightclub												SUP			A	SUP					7-4-16
Nursing Home							SUP					B							SUP		
Office, General							B			B	B	B	B	B	B	B	B	B	B	B	
Office, Medical/Clinic							B			B	B	B	B	B	B			B	B	B	
Outdoor Sales, Seasonal/Temporary	B											B	B								7-4-17

Table 6-1. Use Matrix.

Use	Primary Zoning Districts																				Use Performance Standards
	A = Accessory Use B = By Right SUP = Special Use Permit B/SUP = By Right unless threshold triggers SUP Blank = Not Permitted																				
	A	R-1A	R-1	R-2	R-3	R-4	R-5	R-6	RMH	RTH	RB	B-1	B-2	B-3	ERC	M-1	M-2	MXD-1	MXD-2	MXD-3	
Pawnshop																SUP					7-4-18
Personal Care Services								SUP			SUP	B	B	B	B			B	B	B	
Restaurant, General												B	B	B	B			B	B	B	
Restaurant, Mobile	B	B	B	B	B	B	B	B	B	B		B	B	B	B	B	B	B	B	B	7-4-19
Restaurant, Virtual												B	B	B	B			B	B	B	
Retail Store, Alcoholic Beverage Sales													SUP			SUP					7-4-20
Retail Store, Large												B	B	B	B					B	
Retail Store, Small												B	B	B	B			B	B	B	
Retail Store, Small Box Discount												SUP	SUP	SUP		SUP					7-4-21
Short-Term Loan Establishment													SUP			SUP					7-4-22
Studio								B			B	B	B	B	B	B		B	B	B	7-4-23
Tradesperson Service													B	B		B	B			B	
Vape Shop																SUP					7-4-24
Vehicle Rental													SUP			B	B				7-4-25
Vehicle Sales, New													SUP			B	B				7-4-25
Vehicle Sales, Used																SUP	SUP				7-4-25
Vehicle Repair/Service, Major													SUP			SUP	B				7-4-25
Vehicle Repair/Service, Minor												B	B		B	B					7-4-25
Veterinary Clinic/Hospital													B			B					7-4-26

Table 6-1. Use Matrix.

Use	Primary Zoning Districts																				Use Performance Standards
	A = Accessory Use B = By Right SUP = Special Use Permit B/SUP = By Right unless threshold triggers SUP Blank = Not Permitted																				
	A	R-1A	R-1	R-2	R-3	R-4	R-5	R-6	RMH	RTH	RB	B-1	B-2	B-3	ERC	M-1	M-2	MXD-1	MXD-2	MXD-3	
Industrial Uses																					
Battery Energy Storage Facility																SUP	SUP				7-5-1
Construction Material Sales																B	B				7-5-2
Construction Yard																B	B				7-5-3
Crematorium																SUP	SUP				7-5-4
Data Center																B	B				7-5-5
Equipment Sales, Service, and Repair (Heavy)													SUP			B	B				7-5-6
Hazardous Materials, Storage, and Distribution																	SUP				7-5-7
Junkyard/Salvage Yard																	SUP				7-5-8
Laboratory, Research, and Development																B	B	B		B	
Manufacturing, Heavy																	SUP				7-5-9
Manufacturing, Light																B	B			B	7-5-9
Manufacturing, Small-Scale																B	B			B	7-5-9
Self-Storage Facility																SUP	SUP				7-5-10
Solar Energy Facility																SUP	SUP				7-5-11
Solar Energy Facility, Accessory	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	7-5-12
Truck/Freight Terminal																SUP	SUP				

Table 6-1. Use Matrix.

Use	Primary Zoning Districts																			Use Performance Standards	
	A = Accessory Use B = By Right SUP = Special Use Permit B/SUP = By Right unless threshold triggers SUP Blank = Not Permitted																				
	A	R-1A	R-1	R-2	R-3	R-4	R-5	R-6	RMH	RTH	RB	B-1	B-2	B-3	ERC	M-1	M-2	MXD-1	MXD-2		MXD-3
Vehicle Tow Lot																SUP	SUP				7-5-13
Warehousing and Distribution																B	B				
Public, Civic, and Recreational Uses																					
Cemetery, Public	SUP												SUP								
Cemetery, Private	B																				
Civic Club, Private											B	B	B	B					B		7-6-1
Communications Services											B	B			B	B				B	
Community/Cultural Center											B	B	B	B						B	
Community Garden		B	B	B	B	B	B	B	B	B								B	B		7-6-2
Educational Facility, Post-Secondary or Professional		SUP	SUP	SUP	SUP	B	B	B			B	B	B	B	B	B	B			B	
Educational Facility, Primary or Secondary			B	B	B						B	B	B	B						B	
Privately Owned Public Space															B				B	B	
Public Parks and Recreation	B	B	B	B	B	B	B	B			B	B	B	B				B	B	B	
Public Use	B	B	B	B	B	B	B	B			B	B	B	B		B	B	B	B	B	
Recreation Facility, Neighborhood		B	B	B	B	B	B	B	B	B				B	B			B	B		
Recreation Facility, Non-Commercial	SUP		SUP	SUP	SUP						B	B	B	B					B	B	

Table 6-1. Use Matrix.

Use	Primary Zoning Districts																				Use Performance Standards
	A = Accessory Use B = By Right SUP = Special Use Permit B/SUP = By Right unless threshold triggers SUP Blank = Not Permitted																				
	A	R-1A	R-1	R-2	R-3	R-4	R-5	R-6	RMH	RTH	RB	B-1	B-2	B-3	ERC	M-1	M-2	MXD-1	MXD-2	MXD-3	
Religious Assembly		B	B	B	B	B	B	B										B	B		
Shelter, Animal	B															B					7-6-3
Telecommunications Facility	SUP															SUP	SUP				7-6-4
Telecommunications Facility, Small Cell	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	7-6-5
Utility Service, Major	SUP														B	SUP	SUP				
Utility Service, Minor	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	7-6-6
Residential Uses																					
Adaptive Reuse, Residential								B						B				B	B		7-7-1
Bed and Breakfast	SUP		SUP	SUP	SUP		SUP							B							7-7-2
Boardinghouse			SUP	SUP	SUP		SUP														
Cottage Court			B	B	B																Article 4, Division 12
Dwelling, Duplex				B	B	B	B				B							B	B		
Dwelling, Manufactured Home	B								B												7-7-3
Dwelling, Multi-Family						B	B	B			B				B				B		7-7-4
Dwelling, Single Family	B	B	B	B	B		B				B							B			
Dwelling, Townhouse					B	B				B								B	B		7-7-5
Dwelling, Triplex or Quadplex					B	B					B								B		
Family Day Home (1-4 Individuals)	B	B	B	B	B		B				B							B			

Table 6-1. Use Matrix.

Use	Primary Zoning Districts																				Use Performance Standards
	A = Accessory Use B = By Right SUP = Special Use Permit B/SUP = By Right unless threshold triggers SUP Blank = Not Permitted																				
	A	R-1A	R-1	R-2	R-3	R-4	R-5	R-6	RMH	RTH	RB	B-1	B-2	B-3	ERC	M-1	M-2	MXD-1	MXD-2	MXD-3	
Family Day Home (5-12 Individuals)	SUP	SUP	SUP	SUP	SUP																
Family Health Care Structure, Temporary	B	B	B	B	B		B			B								B			7-7-6
Group Home	B	B	B	B	B		B			B								B			
Life Care Facility							SUP				B	B	SUP								
Manufactured Home Park								B													7-7-7
Shelter, Residential							SUP				SUP	SUP	SUP								
Short-Term Rental					B/SUP	B/SUP	B/SUP	B/SUP			B/SUP		B/SUP	B/SUP				B/SUP	B/SUP		7-7-8
Miscellaneous																					
Amateur Radio Antenna	B	B	B	B	B													B	B		7-8-1
Aviation Facility															A	SUP	SUP				7-8-2
Construction Temporary Uses	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	7-8-3
Mixed-Use Structure, Commercial/Industrial																B	B			B	7-8-4
Mixed-Use Structure, Commercial/Residential										B			B					B	B		7-8-4
Parking Lot or Structure, Off-Site										B	B	B	SUP	B	B	B			B	B	
Parking Lot, Recreational Vehicle Storage																B	B				7-8-5

Table 6-1. Use Matrix.

Use	Primary Zoning Districts																			Use Performance Standards
	A = Accessory Use B = By Right SUP = Special Use Permit B/SUP = By Right unless threshold triggers SUP Blank = Not Permitted																			
	A	R-1A	R-1	R-2	R-3	R-4	R-5	R-6	RMH	RTH	RB	B-1	B-2	B-3	ERC	M-1	M-2	MXD-1	MXD-2	
Transportation Facility											B	B	B		B	B			B	

ARTICLE 7. Use Performance Standards.¹

Division 1. General.

Section 7-1-1. Purpose and Intent.

The following additional regulations apply to specific uses as set forth below. These regulations are intended to serve as the minimum standards for these uses and are not intended to exclude other provisions of this Ordinance that may apply. The standards set forth in this Article for a specific use apply to the particular individual use, regardless of the review procedure by which it is approved, unless otherwise specified in this Ordinance.

Section 7-1-2. Conformance with Other Regulations.

- (A) Each use provided in this Article may also require additional permits and approvals, including but not limited to:
- (1) SUP;
 - (2) Zoning Permit;
 - (3) Site Plan approval;
 - (4) Business license;
 - (5) Building, environmental, and health permits.

Division 2. Accessory Use Standards.

Section 7-2-1. Accessory Structure.

- (A) **Purpose and Intent.** The purpose of this section is to establish development standards and location regulations for *Accessory Structures*, as defined in **Article 11, Definitions**, of this Ordinance.
- (B) **Exemptions.** Residential *Accessory Structures* including, but not limited to, flag poles, basketball hoops, clotheslines, arbors, swings, structures less than 6 sq. ft., or residential yard ornaments will be exempt from the minimum setback, lot area, and certification requirements as specified in this Section.
- (C) **Setbacks.**
- (1) All *Accessory Structures* shall be setback at least 5 ft. from all rear and side property lines.
 - (2) If the *Accessory Structure* is more than 1 story tall, it shall adhere to the setbacks established for the principal structure in the underlying zoning district.

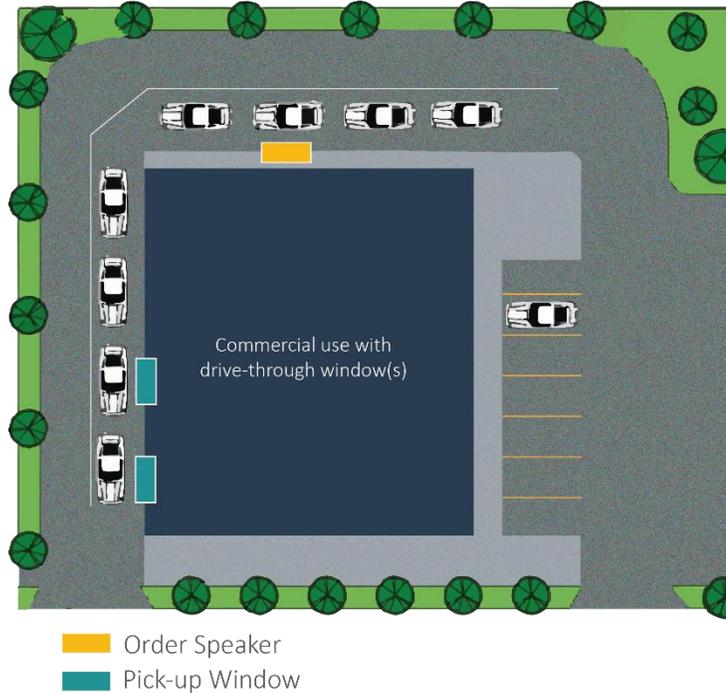
¹ **Editor's Note:** All use standards are newly introduced unless otherwise noted.

- (3) *Accessory Structures* shall be setback at least 15 ft. from the principal structure.
- (4) *Accessory Structures* are prohibited in front setbacks or in the front yard of a building.
- (D) **Height.** All *Accessory Structures* shall adhere to the maximum height requirements established for the underlying zoning district.
 - (1) In no case shall an *Accessory Structure* be taller than the principal structure.
- (E) **Development Standards.** *Accessory Structures* shall:
 - (1) Be located on the same lot as the principal use or building served.
 - (2) Not be used or occupied unless the principal structure is also in use or occupied, except for properties in the A district.
 - (3) Shall cover no more than 30% of the area when accessory to single-family detached dwellings within the minimum required rear yard.
 - (4) The aggregate floor area of all *Accessory Structures* on the property must not exceed 40% of the gross floor area of the principal structure.
 - (i) *Accessory Structures* in the A district are exempt from this provision.

Section 7-2-2. Drive-Through Facility.

- (A) **Access.**
 - (1) Access points shall be kept clear at all times. The Zoning Administrator may determine the number of required accesses.
 - (2) All drive-through window facilities shall be located and designed so that vehicular circulation does not conflict with traffic movements in adjacent streets, service drives, and/or parking areas.
- (B) **Setbacks.** Drive-through window openings shall be located at least 15 ft. from any property line.
- (C) **Location.** All drive-through windows shall be located to the side or rear of the principal structure.
- (D) **Stacking Lanes.**
 - (1) Stacking lanes, along with associated drive-through windows and order speakers, shall be located to the side or rear of the principal structure and shall not be adjacent to any street right-of-way. **See Figure 7-1.**
 - (2) The Zoning Administrator may exempt stacking spaces from the above requirements, if it can be demonstrated that there is no reasonable alternative.

Figure 7-1. Stacking Spaces.



- (3) Stacking spaces shall not interfere with the travel way traffic or designated parking spaces.

Section 7-2-3. Dwelling, Accessory.

(A) Limitations.

- (1) An *Accessory Dwelling* is allowed as an accessory use to the following residential uses, as defined in **Article 11, Definitions**, of this Ordinance.
 - (i) *Dwelling, Single Family*; or
 - (ii) *Dwelling, Duplex*.
- (2) The property owner shall occupy either the principal dwelling or the *Accessory Dwelling* as their primary residence.
- (3) An *Accessory Dwelling* may be within (e.g., a basement or upstairs apartment), attached to, or be detached from (e.g., a guesthouse) the principal dwelling.

(B) General Standards. The following standards apply to all *Accessory Dwellings*:

- (1) All *Accessory Dwellings* shall obtain all proper permits and comply with all applicable requirements of VDH and the USBC.
- (2) A recreational vehicle, travel trailer, camper, or similar vehicle shall not be used as an *Accessory Dwelling*.
- (3) Utilities for *Accessory Dwellings* shall not be separately metered and must be connected to the principal dwelling's utility systems.

- (4) Where public sewer is not provided, *Accessory Dwellings* will only be permitted upon approval from VDH.

(C) **Development Standards.**

(1) **Minimum Lot Area.**

- (i) Attached *Accessory Dwellings*: 5,000 sq. ft.
- (ii) Detached *Accessory Dwellings*: 8,000 sq. ft.

(2) **Density.** Maximum of 1 *Accessory Dwelling* per lot.

(3) **Parking.** One off-street parking space shall be provided for the *Accessory Dwelling* in addition to any required parking in **Article 8, Community Development Standards**, of this Ordinance.

(4) **Square Footage.** The floor area of an *Accessory Dwelling* shall not exceed 800 sq. ft.

- (i) An *Accessory Dwelling* that is contained within a single-unit dwelling, such as a basement or attic, must not exceed the existing finished square footage of the primary dwelling's first floor footprint.

(D) **Attached Accessory Dwellings.** In addition to (A) through (C), above, the following standards apply for attached *Accessory Dwellings*, as defined in **Article 11, Definitions**, of this Ordinance:

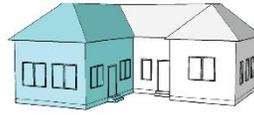
- (1) Attached *Accessory Dwellings* may be connected by a common wall or connected by a breezeway, provided the breezeway does not exceed 10 ft. in length.
- (2) Exterior entrances to an *Accessory Dwelling* in a principal structure shall be located so as to appear as a single-unit dwelling.

(E) **Detached Accessory Dwellings.** In addition to (A) through (C), above, the following standards apply for detached *Accessory Dwellings*, as defined in **Article 11, Definitions**, of this Ordinance:

- (1) Detached *Accessory Dwellings* shall only be permitted in the rear yard of the property.
- (2) All detached *Accessory Dwellings* shall be setback at least 5 ft. from all rear and side property lines, and at least 15 ft. from the principal structure.
- (3) All detached *Accessory Dwellings* shall adhere to the maximum height requirements established for the underlying zoning district.
 - (i) In no case shall a detached *Accessory Dwelling* be taller than the principal structure.
- (4) *Accessory Dwellings* shall be architecturally compatible to the principal dwelling.

Figure 7-1. Accessory Dwelling Types.

Attached ADU



ADU Within Principal Dwelling



Detached ADU



Section 7-2-4. Home Occupation.²

- (A) **Location.** All activities associated with a *Home Occupation* shall be contained to the principal structure.
- (B) **Size of Use.** The maximum area permitted in conjunction with a *Home Occupation* shall not exceed 25% of the floor area of the principal dwelling.³
- (C) **Employees and Customers.**
- (1) All employees of the *Home Occupation* shall reside in the principal structure as their primary residence and shall be related to the owner by blood or by marriage.
 - (2) Administrative approval shall be received for home occupations where customers visit the site prior to commencement of operations.
 - (i) Customer visits shall be by appointment only.
 - (ii) No more than two customers shall be permitted on the premises at any given time.
 - (iii) In no case shall customers be permitted to visit between the hours of 8:00 p.m. and 8:00 a.m., seven days a week.
- (D) **General Standards.**

² **Editor's Note:** Provisions have been retained from Article 23, Section 4(36) and applied to home occupations for home office and business uses.

³ **Editor's Note:** A metric of 25% of the floor area has been introduced for all home occupations to replace the current Ordinance's requirement of a 4,500 SF building with up to 1,500 SF of the first floor permitted for a home office.

- (1) There shall be no change in the exterior of the structure and/or property to indicate the *Home Occupation* use.
 - (2) One sign shall be permitted, in accordance with **Article 8**, Community Development Standards, of this Ordinance.
 - (i) Maximum sign size shall be 1 sq. ft.⁴
 - (3) Materials and supplies associated with the *Home Occupation* shall be limited to just-in-time delivery and storage practices. On-site bulk storage is prohibited.
 - (i) All deliveries shall occur at the principal structure.
 - (4) Exterior storage of business-related equipment, trailers, materials, or merchandise is prohibited.
 - (5) The type of traffic generated by the *Home Occupation* shall be consistent with the type of traffic of other dwellings in the area.
 - (6) The *Home Occupation* shall not increase the demand on public water, public sewer, or garbage collection services to the extent that its use combined with the residential use of the dwelling shall not be significantly higher than is normal for residential uses.
 - (7) For *Home Occupations* related to personal services such as barber shops and salons, there shall be a maximum of one-chair or customer station on-site.
- (E) **Prohibited.** The following businesses shall be prohibited as *Home Occupations* and shall be permitted in accordance with **Article 6, Use Matrix**, of this Ordinance:
- (1) *Consumer Repair Services*;
 - (2) *Equipment Sales, Service, and Repair (Heavy)*; and
 - (3) *Vehicle Sales and Rental; Vehicle Service*.

Section 7-2-5. Outdoor Storage.

- (A) **Applicability.** The provisions of this Section shall apply to all principal uses with *Outdoor Storage*, as defined in **Article 11, Definitions**, of this Ordinance.
- (B) **Intent.** The following standards are intended to mitigate impacts of *Outdoor Storage* as a principal use, or as an accessory use to commercial and industrial businesses. Examples include construction materials, such as stacks of lumber or stone; equipment; surplus goods; among other items.
- (C) **Location.** No *Outdoor Storage* shall be located within 50 ft. of a planned development district or a residentially used or zoned property.
- (D) **Screening, Buffering, and Landscaping.**
- (1) *Outdoor Storage* areas shall be screened by a solid wall or fence, including solid entrance and exit gates, not less than 6 ft. nor more than 10 ft. in height. All walls and fences shall

⁴ **Editor's Note:** Maximum sign size of 1 SF is retained from the existing definition of *Home Occupation* in Article 3, Section 2.

have a uniform and durable character, be properly maintained, and in accordance with **Article 8, Community Development Standards**, of this Ordinance.

- (2) When walls and fences are adjacent to commercial, residential, or planned development districts, a landscaped buffer shall be provided to break visibility of the fence in accordance with **Article 8, Community Development Standards**, of this Ordinance.
- (3) *Outdoor Storage* shall be located on the side or rear of the main structure and screened from view from any adjacent roadway.
- (4) No wall or fence screening a storage area shall encroach into a sight distance triangle.
- (5) Parts, materials, and equipment stored in a storage area shall not be stacked and/or piled higher than the screening wall or fence.

Division 3. Agricultural Use Standards.⁵

Section 7-3-1. Agricultural Operation.

(A) **General Standards.**

- (1) Bona fide *Agricultural Operations* in accordance with Code of Virginia § 3.2-300 shall operate under in accordance with a Conservation Farm Management Plan approved by the Appomattox Soil and Water Conservation District or the U.S. Natural Resources Conservation Services.

Section 7-3-2. Agritourism.

(A) **Applicability.** This section applies only to *Agritourism*-related events and activities and does not apply to the *Agricultural Operation* itself.

- (1) Any *Agritourism* event may be held only if the bona fide *Agricultural Operation* to which it is subordinate has:
 - (i) A minimum of 5 acres of land in active agricultural production on-site, or on any abutting lot under the same ownership; and
 - (ii) At least one growing season per calendar year.

(B) **General Standards.**

- (1) **Noise.**
 - (i) There shall be no amplified music between 10:00 p.m. and 7:00 a.m., 7 days per week.
 - (ii) All noise shall comply with **Chapter 50, Article II**, Noise of the City Code of Ordinances.
- (2) **Structures.** Any structure intended for occupancy by visitors to an *Agritourism* activity shall provide emergency vehicle access and fire safety measures to the extent permissible under

⁵ **Editor's Note:** The Future Land Use Map (FLUM) does not include Agricultural designations, but since there is existing Agricultural zoning, state code requires that certain agriculture-related uses be permitted.

Code of Virginia § 36-99(B) and Va. Administrative Code § 13 VAC 5-63-20 and § 13 VAC 5-63-200.

- (3) **Sanitary Facilities.** Sanitary facilities used in conjunction with an *Agritourism* activity shall be provided in accordance with the standards of the Virginia Sewage Handling and Disposal Regulations (12VAC5-610-980).
- (4) **Food and Beverage.** The preparation, manufacture, packing, storage, distribution, or sale of all food items shall be done in accordance with applicable federal, state, and local laws and regulations, including Code of Virginia §§ 3.2-5105 through 3.2-5119.
- (5) **Access.** All *Agritourism* operations must have a minimum of one access point to a public road which must be approved and in accordance with City standards for commercial entrances.
- (6) **Parking.** Parking must be located on-site or on abutting lots owned by the *Agritourism* professional.
 - (i) Parking is not permitted in public rights-of-way.
 - (ii) Parking is not required to be on a paved surface, provided that any land disturbing and unauthorized discharge is consistent with other applicable law.
 - (a) If grass parking areas are used, they must:
 - i. Be maintained to grass height of no more than 6 in. from grade; and
 - ii. Be maintained in good condition with uniform grass coverage and free from rill or gully erosion.
- (7) **Trip Generation.** The event or activity must generate no more than 350 visitor vehicle trips per day and each event or activity must have 650 or fewer attendees at any single time.
 - (i) An *Agritourism* operation anticipating higher trip generation may be considered through a SUP in accordance with **Article 3, Permits and Applications**, of this Ordinance.

Section 7-3-3. Farm Stand.

- (A) **Location and Setbacks.** A farm stand shall be located:
 - (1) On a parcel that is actively engaged in agricultural production or is directly adjacent to such a parcel under common ownership;
 - (2) At least 15 ft. from a public right-of-way; and
 - (3) At least 25 ft. from any lot line abutting a residential district or use.
- (B) **Hours of Operation.** Hours of operation shall be between 7:00 a.m. to 8:00 p.m.
- (C) **Product Origin and Sales.** Products must be produced on-site by the farm stand's owner or operator.
- (D) **Structures.**

- (1) Farm stands may operate out of a temporary structure such as a tent, or a permanent structure.
- (2) Temporary structures must be fully set up before sales begin each day and removed in their entirety at the close of business.
- (3) Permanent structures shall require a site plan in accordance with **Article 3, Permits and Applications**.
- (4) The total combined area of all temporary and permanent structures shall not exceed 800 sq. ft.

(E) Parking.

- (1) A minimum of 2 parking spaces shall be provided for customers, plus at least 1 parking space for employees.
- (2) For farm stands operating from temporary structures, the parking requirements of **Article 8, Community Development Standards**, may be reduced or waived by the Zoning Administrator based on the scale, duration, and expected traffic of the operation.

(F) Signage. One non-illuminated sign identifying the farm stand is permitted, not to exceed 32 sq. ft. in area.

(G) Noise. All noise shall comply with **Chapter 14, Article II, Noise**, of the Petersburg City Code.

- (1) There shall be no amplified sound at any time.

Section 7-3-4. Silvicultural Operation.

(A) General Standards.

- (1) Bona fide *Silvicultural Operations* in accordance with Code of Virginia § 10.1-1126.1 shall operate under a Forest Management Plan approved by the Virginia Department of Forestry or U.S. Natural Resources Conservation Service.

Division 4. Commercial Use Standards.

Section 7-4-1. Adult Use.

(A) Distance Between Uses.

(1) Measurement of Distance.

- (i) All distances specified in this Section shall be measured from the property line of the *Adult Use* to the nearest boundary line of the use specified in **(A)(2)**, below.

(2) Minimum Distance.

- (i) No *Adult Use* shall be established within 500 ft. of:⁶
 - (a) Any parcel in a residential or planned development zoning district;
 - (b) A designated historic district;
 - (c) The following uses:
 - i. *Adult Use*;
 - ii. *Bed and Breakfast*;
 - iii. *Casino Gaming Establishment*;
 - iv. *Day Care Center*;
 - v. *Educational Facility, Post-Secondary or Professional*;
 - vi. *Educational Facility, Primary or Secondary*;
 - vii. *Hotel*;
 - viii. *Nursing Home*;
 - ix. *Pawnshop*;
 - x. *Public Parks and Recreation*;
 - xi. *Public Use*; or
 - xii. *Religious Assembly*.
- (ii) No *Adult Use* shall be established within 2,000 ft. of a *Short-Term Loan Establishment*.⁷

(B) Hours of Operation. No *Adult Use* shall be open:

- (1) Prior to 9:00 a.m. or later than 11:00 p.m.;
- (2) More than 12 hours within any 24-hour period; or
- (3) More than 72 hours in any week.

(C) Design Standards.

- (1) Signs shall not include graphic or pictorial depiction of material available on the premises.
- (2) No adult use shall display adult media, depictions of specified sexual activities or specified anatomical areas in its window, or in a manner visible from the street, highway, or public sidewalk, or the property of others.
- (3) Window areas shall remain transparent.

⁶ **Editor's Note:** The minimum distance of 500 ft. to various other uses has been retained from Article 15, Section 2(16) through (19).

⁷ **Editor's Note:** The minimum distance of 2,000 ft. to a Short-Term Loan Establishment has been retained from Article 23, Section 4(40).

Section 7-4-2. Car Wash.

(A) Design Standards.

- (1) *Car Washes* shall be located and designed so that vehicular circulation does not conflict with traffic movements and pedestrian access within adjacent streets, service drives, and/or parking areas.
- (2) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.
- (3) An appropriately sized and designed in-ground grease and oil separator device shall be installed on-site and properly maintained to prevent grease and oil entry into the wastewater system.
- (4) An automatic water reclamation system shall be used to recover a minimum of 70% of the rinse water for reuse.

(B) **Prohibited.** No sales, repair, or outside storage of motor vehicles shall be conducted on-site.

(C) Hazardous Materials Standards.

- (1) The discharge of fuel, oil, solvents, anti-freeze, and/or other pollutants, hazardous materials, or flammable substances into any public sewer, storm drainage, or other surface waters is prohibited.
- (2) The owner/operator shall prepare an emergency spill notification Contingency Plan to be approved by the City and posted on the premises before the issuance of any occupancy permits. The owner/operator/tenant shall be responsible for notifying all City departments identified in the Contingency Plan immediately in the event of a spill or any petroleum product, chemical waste, or other hazardous substance on the property. The owner/operator shall assume full responsibility for all public and private expenses incurred in the clean-up of such spills.

Section 7-4-3. Consumer Repair Services.

(A) Operations and Storage.

- (1) All repair activities shall occur entirely within an enclosed building. No repairs, assembly, or disassembly of products or equipment shall occur outdoors.
- (2) There shall be no outdoor display or storage of materials, products, or equipment.

Section 7-4-4. Day Care Center.

(A) All *Day Care Centers* shall provide outdoor recreation area, in accordance with the standards established or recommended by the Virginia Department of Education (DOE) Office of Child Care Health and Safety.

- (1) Outdoor recreation area shall only include that area:
 - (i) Not covered by buildings or off-street parking areas;

- (ii) Outside the limits of required front yards and buffer areas; and
 - (iii) Which is suitable for, and designed to accommodate, active outdoor recreation activities and facilities appropriate to the ages of the individuals served and for which a license is issued.
- (2) All outdoor recreation areas shall be enclosed by a fence at least 4 ft. in height.
- (B) All licenses, permits, and approvals from applicable regulatory agencies shall have been received prior to the use being established.

Section 7-4-5. Event Facility/Banquet Hall.

- (A) **Noise.** All noise shall comply with **Chapter 50, Article II, Noise**, of the City Code.
- (1) There shall be no amplified noise between 11:00 p.m. and 8:00 a.m., seven days per week.
- (B) **Occupancy Limitations.** For all indoor and outdoor areas, occupancy limits shall comply with all local and state laws and building codes.
- (C) **Sanitary Facilities.** Sanitary facilities shall be provided in accordance with the standards of the Virginia Sewage Handling and Disposal Regulations (12VAC5-610-980).
- (D) **Temporary Elements.** Temporary tents, fencing, seating, catering arrangements, and other elements of an event may be used during the event only and shall be removed within 24 hours after the event concludes, and the site shall be returned to its normal condition.

Section 7-4-6. Farmers Market.

- (A) **Administration.**
- (1) Zoning Permit applications shall be in accordance with **Article 3, Permits and Applications**, of this Ordinance, and shall provide the following:
 - (i) A Market Plan detailing vendor information, site layout, signage, and waste management measures.
 - (ii) Confirmation that all vendors hold a valid City of Petersburg business license.
 - (iii) Description of the days of the week and hours of operation.
 - (iv) Valid permits, if applicable, from VDH and/or Virginia Department of Agriculture and Consumer Services (VDACS).
 - (v) Proof of adequate liability insurance.
 - (vi) If located on private property not owned by the City of Petersburg, written permission from the owner(s) of the property upon which the *Farmers Market* will operate.
- (B) **Structures and Setup.**
- (1) Temporary structures (e.g., tents, canopies, tables) are permitted and must be removed at the conclusion of each market day.

- (2) Permanent structures shall require a site plan in accordance with Article 3, Permits and Applications.

(C) Signage.

- (1) One non-illuminated sign identifying the market, not exceeding 32 sq. ft., shall be permitted.
- (2) Temporary signs for individual vendor identification, menus, pricing, or product descriptions are allowed during market hours and are not counted toward the signage limitation, provided that such signs are contained within the vendor's sales area and are removed at the conclusion of each market day.

(D) General Standards.

- (1) All waste must be properly disposed of, and the market area must be left in a clean and sanitary condition.
- (2) No storage of vehicles, canopies, display items, or products is permitted when the market is not in operation.

Section 7-4-7. Farmers Market, Mobile.

(A) Administration.

- (1) Zoning Permit applications shall be in accordance with Article 3, Permits and Applications, of this Ordinance, and shall provide the following:
 - (i) Confirmation that all vendors hold a valid City of Petersburg business license.
 - (ii) Description of the days of the week and hours of operation.
 - (iii) Valid permits, if applicable, from VDH and/or VDACS.
 - (iv) Proof of adequate liability insurance.

(B) General Standards.

- (1) All waste must be properly disposed of at the conclusion of each market sales period, and the market area must be left in a clean and sanitary condition.

Section 7-4-8. Farmers Market, Popup.

(A) Administration.

- (1) Zoning Permit applications shall be in accordance with Article 3, Permits and Applications, of this Ordinance, and shall provide the following:
 - (i) A Market Plan detailing vendor information, site layout, signage, and waste management measures.
 - (ii) Confirmation that all vendors hold a valid City of Petersburg business license.
 - (iii) Description of the days of the week and hours of operation.

- (iv) Valid permits, if applicable, from VDH and/or VDACS.
- (v) Proof of adequate liability insurance.
- (vi) If located on private property not owned by the City of Petersburg, written permission from the owner(s) of the property upon which the Farmers Market will operate.

(B) Structures and Setup.

- (1) All temporary structures must be removed at the conclusion of the market.

(C) Signage.

- (1) Temporary signs for individual vendor identification, menus, pricing, or product descriptions are allowed during market hours and are not counted toward the signage limitation, provided that such signs are contained within the vendor's sales area and are removed at the conclusion of each market day.

(D) General Standards.

- (1) All waste must be properly disposed of, and the market area must be left in a clean and sanitary condition.

Section 7-4-9. Garden Center/Commercial Greenhouse.

(A) General Standards.

- (1) All outdoor storage areas shall:
 - (i) Adhere to the requirements of **Section 7-2-5** of this Article; and
 - (ii) Not be located in the front yard of the *Garden Center/Commercial Greenhouse*.

Section 7-4-10. Gas Station, General; Gas Station, Major.

(A) Location and Dimensional Requirements.

- (1) Entrances to the gas station shall be minimized and located in a manner promoting safe and efficient traffic circulation while minimizing the impact on the surrounding neighborhood.
- (2) All fuel pump islands, compressed air connections, and similar equipment shall be a minimum of 15 ft. from any property line.
- (3) No driveway or access point shall exceed 24 ft. in width for two-way entrances or 12 ft. for one-way entrances, unless otherwise permitted by the Director of Public Works and/or Zoning Administrator.
- (4) There shall be a minimum distance between driveways of 25 ft. unless such driveways are less than 5 ft. apart.

(B) Screening.

- (1) A 6 ft. solid fence, wall, or landscaping shall be provided along all property lines separating the site from any residentially zoned district or lot containing any residential dwelling unit.

- (2) Dumpsters or other refuse shall be screened in accordance with **Article 8, Community Development Standards**, of this Ordinance.

(C) General Standards.

- (1) There shall be no outdoor storage.
- (2) Outdoor speakers shall not be audible beyond the property lines.
- (3) Sales of limited fuel oil or bottled gas is permitted as an accessory use.
- (4) Fuel dispensers, pump islands, overhead canopy, and air and water dispensers shall be removed upon cessation of the use for a period of more than 1 year.
- (5) The Zoning Administrator may require a TIA to be provided by the applicant. Such analysis may include, but not be limited to, the proposed traffic flows, sight visibility for emerging vehicles, and other public safety factors.
- (6) *Gas Station, General* and *Gas Station, Major* shall not be located:
 - (i) Within 1,500 ft. from another *Gas Station, General* or *Gas Station, Major*; or
 - (ii) Within 1,000 ft. of the following residential uses:
 - (a) *Dwelling, Single Family*;
 - (b) *Dwelling, Duplex*;
 - (c) *Dwelling, Triplex or Quadplex*; or
 - (d) *Dwelling, Townhouse*.

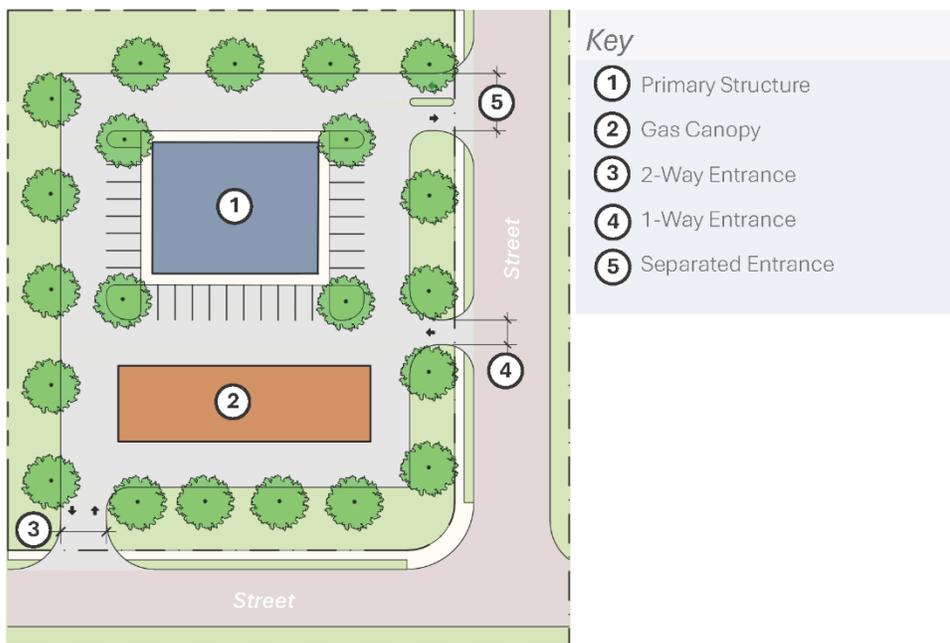
(D) Design Standards.

- (1) Gas canopies shall be:
 - (i) Compatible with the principal structure with regard to design, material, roof pitch, and architectural style;
 - (ii) Located to the side or rear of the principal structure; and
 - (iii) Buffered from residential uses and districts with Transitional Buffer Type B, as established in **Article 8, Community Development Standards**, of this Ordinance.
- (2) Under-canopy lighting shall consist of recessed, flat lens fixtures.
- (3) An appropriately sized and designed in-ground grease and oil separator device shall be installed on-site and properly maintained to prevent grease and oil entry into the wastewater system.
- (4) One (1) automated car wash station may be permitted as an accessory use, provided it is placed at the rear of the principal structure and does not obstruct access, circulation, or required parking areas.

(E) Hazardous Materials Standards.

- (1) All hazardous materials shall be handled, recycled, or disposed of according to federal, state, and local laws.
- (2) The owner/operator shall prepare an emergency spill notification Contingency Plan to be approved by the City and posted on the premises before the issuance of any occupancy permits. The owner/operator/tenant shall be responsible for notifying all City departments identified in the Contingency Plan immediately in the event of a spill or any petroleum product, chemical waste, or other hazardous substance on the property. The owner/operator shall assume full responsibility for all public and private expenses incurred in the clean-up of such spills.

Figure 7-2. Example of General and Major Gas Station Standards.



Section 7-4-11. Gas Station, Limited.

(A) **General.**

- (1) There shall be a maximum of 2 pumps or 4 fueling stations.
- (2) Car wash facilities, vehicle repair, drive-through facilities, or large vehicle refueling shall not be permitted as accessory uses.

(B) **Screening.**

- (1) A 6 ft. solid fence, wall, or landscaping in accordance with Transitional Buffer Type A in [Article 8, Community Development Standards](#), of this Ordinance, shall be provided along all property lines separating the site from any residentially zoned district or lot containing any residential dwelling unit.

- (2) Service and utility areas, such as dumpsters, loading docks, and mechanical equipment shall be fully screened in accordance with Article 8, Community Development Standards, of this Ordinance.

(C) **General Standards.**

- (1) There shall be no storage of automobiles, trailers, recreational vehicles, boats, or similar equipment outdoor storage.
- (2) Outdoor speakers shall not be audible beyond the property lines.
- (3) Sales of limited fuel oil or bottled gas is permitted as an accessory use.
- (4) Fuel dispensers, pump islands, overhead canopy, and air and water dispensers shall be removed upon cessation of the use for a period of more than 1 year.

Section 7-4-12. Hotel.

(A) **Design Standards.**

- (1) All individual guest rooms shall only be accessible from the interior of the building. In no case shall individual guest rooms be directly accessible from the exterior of the building.
- (2) All stairwells, corridors, and circulation components of the building must be completely enclosed within the building envelope.

(B) **General Standards.**

- (1) Continuous on-site management shall be provided 24 hours a day, seven days a week.
- (2) No occupational tax/business license shall be issued for any business operating from any guest room.
- (3) All hotels shall be required to maintain a security camera system covering the parking lot and the registration/front desk area.
 - (i) The system shall have a minimum of 3 outdoor cameras and 2 indoor cameras.
 - (ii) Cameras shall be checked weekly by the hotel owner/operator to ensure they are working properly.
 - (iii) The video footage shall be maintained for at least 30 days.
 - (iv) The camera system shall have a mechanism to export the video to disk or flash drive for use by the City of Petersburg Bureau of Police.

(C) In addition to the standards of this Section, all hotels shall comply with:

- (1) All applicable standards of the Virginia USBC; and
- (2) Sections 26-1 and 26-2 of the City Code.

Section 7-4-13. Kennel, Commercial.

(A) **Location.**

- (1) Facilities must be located in a fully enclosed soundproofed building, unless outdoor areas meet the standards provided in (B)(2), below.
- (2) Outdoor activity areas, if provided, shall be located:
 - (i) At least 75 ft. from any residentially zoned property;
 - (ii) At least 35 ft. from all property lines; and
 - (iii) Not located in the front yard.

(B) General Standards.

- (1) All indoor and outdoor areas shall be kept free of waste on a regular basis so as not to be noticed by adjacent parcels due to odors and pests.
- (2) Outdoor activity areas, including runs and play areas, shall be:
 - (i) Screened from view with a 6-ft. solid fence or wall and landscaping in accordance with Article 8, Community Development Standards, of this Ordinance.
 - (ii) Limited to use between the hours of 8:00 a.m. and 8:00 p.m., except as needed for general nighttime care and emergencies.
- (3) All boarded animals shall be kept within a totally enclosed portion of the site between the hours of 8:00 p.m. and 8:00 a.m., except as needed for general nighttime care and emergencies.

Section 7-4-14. Manufactured/Modular Home Sales.

(A) Location. No manufactured home for sale shall be placed in any minimum:

- (1) Setback;
- (2) Required front yard; or
- (3) Required buffering area.

(B) Lot Area.

- (1) Minimum lot area shall be 2.5 acres.
- (2) Each manufactured home for sale shall have a minimum area of 2,500 sq. ft. if single-wide, and 3,500 sq. ft. if double-wide.

(C) General Standards.

- (1) The storage of used manufactured homes on the premises which are not suitable for occupancy shall be prohibited.
- (2) All manufactured homes on the premises shall have skirting on all 4 sides.
- (3) All manufactured homes on the premises shall be maintained in clean, undamaged condition.
- (4) The vertical stacking of manufactured homes is prohibited.

Section 7-4-15. Marina, Commercial.

- (A) **Administration.** A Site Plan in accordance with **Article 3**, Permits and Applications, shall be submitted with the following additional information:
- (1) Water depths and currents;
 - (2) Location of proposed structures;
 - (3) Any existing wetlands or vegetation in the project area; and
 - (4) A copy of the completed Joint Permit Application from the Virginia Marina Resources Commission, Army Corps of Engineers, DEQ, and other agencies as applicable.
- (B) **Accessory Uses.** Uses customarily accessory to a commercial marina, including but not limited to fuel sales, boat repair, marine supply retail, watercraft rental, and restaurants, shall be permitted, provided they are clearly incidental and subordinate to the marina use.
- (C) **Compliance.** Required approvals from all relevant agencies must be secured prior to zoning approval. All *Marina, Commercial* developments shall comply with:
- (1) The applicable design guidance from the Virginia Marine Resources Commission;
 - (2) **Chapter 122, Article II, Chesapeake Bay Preservation Areas**, of the City Code; and
 - (3) Any relevant federal or state permitting requirements.
- (D) **Public Access.**
- (1) All waterfront development shall be designed to maintain or enhance public views and physical access to the water and shoreline.
 - (2) All designated public access areas shall include clear and visible signage indicating the public's right of access. Public use may be limited to daylight hours unless otherwise approved.
 - (3) Access paths shall connect existing streets and sidewalks to the shoreline or recreation areas to the extent practicable, in accordance with **Article 8, Community Development Standards**.
 - (4) The Planning Director may modify public access requirements if:
 - (i) The site poses safety hazards beyond development-related impacts;
 - (ii) Inherent security requirements cannot be satisfied;
 - (iii) Access would interfere with the primary use of the site;
 - (iv) The cost of providing the access is unreasonably disproportionate to the total cost of the proposed development; or
 - (v) Public access at the particular location does not offer a recreational benefit.

- (E) **Building Siting and Design.** Buildings shall face public rights-of-way or public spaces such as walkways and parks, in accordance with **Article 8, Community Development Standards**, of this Ordinance.
- (F) **Waterfront and Recreational Vehicle Storage.** Watercraft and recreational vehicle storage as an accessory use to *Marina, Commercial* shall conform with the standards of *Parking Lot, Recreational Vehicle Storage*, as provided in **Section 7-8-4** of this Article.

Section 7-4-16. Nightclub.⁸

(A) Administration.

- (1) *Nightclubs* may be permitted as an accessory use to a *Casino Gaming Establishment* or with a SUP as a principal use.
- (2) All applications for a *Nightclub* use shall include a management program and security plan with required elements as follows:
 - (i) **Management Program.**
 - (a) Staffing levels.
 - (b) Floor plan showing the general arrangement and seating capacity of tables and bar facilities, dance floor, and standing room areas and capacity.
 - (c) Total occupant load.
 - (ii) **Security Plan.**
 - i. The employment of licensed security personnel trained in crowd control, conflict resolution, and emergency response.
 - ii. Procedures, features, arrangements, and staffing levels for security, crowd management, and occupancy load management during and immediately following hours of operation.

(B) **SUP Review.** All SUPs for nightclubs may be subject to review every 2 years from the date of approval for confirmation of compliance with the conditions of approval.

(C) General Standards.

- (1) Soundproofing measures shall be implemented to minimize noise within the establishment and in the surrounding area, to prevent disturbances audible beyond the property line with the doors closed.
- (2) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

⁸ **Editor's Note:** Nightclub provisions have been retained from Article 23, Section 4(15), with revisions made for clarity. Provisions regarding compliance with alcohol and beverage regulations have been removed; this would fall under the purview of Virginia Alcoholic Beverage Control Authority (ABC). Provisions regarding business licensure have been removed; this is generally stated in **Section 7-1-2** to apply to all uses.

- (3) The floor plan shall be posted on the premises in a prominent location viewable by patrons.

Section 7-4-17. Outdoor Sales, Seasonal/Temporary.

(A) **Permits.**

- (1) No more than 4 permits shall be issued for the same lot during a calendar year.
- (2) No permit shall be issued to an applicant, unless or until:
 - (i) A minimum of 30 consecutive days after a permit issued to that applicant for the same or an adjacent lot or parcel has expired.

(B) **Setbacks.** The outdoor sales stand or display shall be setback at least 15 ft. from any public right-of-way and outside any required landscape buffer.

(C) **Hours of Operation.** Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m.

Section 7-4-18. Pawnshop.

(A) **Hours of Operation.** Hours of operation shall be limited to 9:00 a.m. to 8:00 p.m., seven days a week.

(B) **Distance from Uses.** A new or relocated *Pawnshop* shall be located at least 1,000 linear ft. from the closest property line of parcels containing the following uses:

- (1) *Adult Use;*
- (2) *Casino;*
- (3) *Day Care Center;*
- (4) *Educational Facility, Primary or Secondary;*
- (5) *Vape/Smoke Shop, On-Site and Off-Site Use;* or
- (6) Any residential dwelling.

(C) **General Standards.**

- (1) All pawnshop owners/operators shall retain on the business premises all secondhand articles for at least 15 calendar days from the date on which a copy of the bill of sale is received.
 - (i) Until the expiration of this period, the pawnshop owner/operator shall not sell, alter, or dispose of a purchased item in whole or in part, or remove it from the City.
 - (ii) The City of Petersburg Bureau of Police shall be provided with immediate access to articles and records of bills of sale upon request.
- (2) If the pawnshop owner/operator performs the service of removing parts and/or repairing articles purchased, they shall retain both the parts removed and the article from which the removal was made for at least 15 calendar days after receiving such article.

Section 7-4-19. Restaurant, Mobile.

(A) **Applicability.** The Zoning Administrator may waive any of the following requirements if the use is in conjunction with a special event.

(B) **Administration.**

(1) Zoning Permit applications for *Restaurant, Mobile* shall be in accordance with **Article 3, Permits and Applications**, of this Ordinance, and shall provide the following:

- (i) A valid City of Petersburg business license;
- (ii) A valid permit from VDH stating that the mobile restaurant unit meets all applicable standards. Such valid permit must be maintained for the duration of the Zoning Permit;
- (iii) Valid registration documents from the Virginia Department of Motor Vehicles (DMV), including both vehicle and trailer registration, as applicable;
- (iv) Written permission from the owner(s) of the property upon which the *Restaurant, Mobile* will operate;
- (v) Description of the days of the week and hours of operation for proposed vending at each proposed property; and
- (vi) A sketch to be approved by the Zoning Administrator, for each property, that illustrates access to the site, all parking areas, routes for ingress and egress, placement of the mobile food unit, distance from the property lines, garbage receptacles and any other feature associated with the *Restaurant, Mobile*.

(2) **Trash and Waste.**

- (i) Trash receptacles shall be provided, and all trash, refuse, or recyclables generated by employees or patrons shall be removed from the site by the operator at the end of the business day.
 - (a) Public trash receptacles shall not be used for compliance with this section.
- (ii) No liquid or solid wastes shall be discharged from the vehicle or any associated equipment.

Section 7-4-20. Retail Store, Alcoholic Beverage Sales.

(A) **Location.** A new or relocated *Liquor Store* shall be located at least 1,000 linear ft. from the closest property line of parcels containing the following uses:

- (1) *Day Care Center*;
- (2) *Educational Facility, Primary or Secondary*;
- (3) *Pawnshop*; or
- (4) *Vape/Smoke Shop, On-Site and Off-Site Use*.

Section 7-4-21. Retail Store, Small Box Discount.⁹

- (A) A new or relocated *Retail Store, Small Box Discount* shall be located at least 2 miles from any existing discount retail store.
- (B) A minimum of 10% of floor space shall be dedicated to the sale of fresh foods as defined by the United States Food and Drug Administration (FDA).

Section 7-4-22. Short-Term Loan Establishment.¹⁰

- (A) **Location.** A new or relocated *Short-Term Loan Establishment* shall be located at least 2,000 ft. from the closest property line of:
 - (1) Any parcel occupied by at least one of the following uses:
 - (i) *Adult Use*;
 - (ii) *Community/Cultural Center*;
 - (iii) *Educational Facility, Primary or Secondary*;
 - (iv) *Public Parks and Recreation*;
 - (v) *Public Use*; or
 - (vi) *Religious Assembly*.
 - (2) Any parcel located in a residential zoning district or containing an existing residential use; or
 - (3) Any parcel containing another *Short-Term Loan Establishment*.
- (B) **Facade Standards.**
 - (1) Window transparency on the front façade shall be a minimum of 30%.
 - (2) Blackout windows are prohibited on any façade.
 - (3) Lights that flash, strobe, blink, or scroll shall not be placed in any window on any facade.

Section 7-4-23. Studio.

- (A) All activity associated with the *Studio* shall occur within an enclosed structure.
- (B) All activity associated with the *Studio*, if located in a residential district, shall not produce noise, fumes, or odor detectable across the property line.

⁹ **Editor's Note:** *Retail Store, Small Box Discount* provisions are retained from Article 23, Section 4(39), with minor revisions for clarity.

¹⁰ **Editor's Note:** *Short-Term Loan Establishment* provisions are retained from Article 23, Section 4(40), with minor revisions for clarity.

Section 7-4-24. Vape Shop; Cigar Lounge.¹¹

- (A) **Location.** All new or relocated *Vape Shops or Cigar Lounges* shall be located at least 1,000 linear ft. from the closest property line of parcels containing the following uses:
- (1) *Day Care Center*; or
 - (2) *Educational Facility, Primary or Secondary.*
- (B) **Hours of Operation.** Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
- (C) **On-Site Use.** No smoking or vaping shall be permitted on the premises unless cigar lounge or vape shop fully complies with the Virginia Indoor Clean Air Act.
- (D) **Facade Standards.**
- (1) Window transparency on the front façade shall be a minimum of 30%.
 - (2) Blackout windows are prohibited on any façade.
 - (3) Lights that flash, strobe, blink, or scroll shall not be placed in any window on any facade.

Section 7-4-25. Vehicle Rental; Vehicle Sales, New; Vehicle Sales, Used.

- (A) **Development Standards.**
- (1) No vehicle or equipment displays shall be located within a required setback, fire lane, travel way, sidewalk, or landscaped area.
 - (2) No portion of the use, excluding required screening and landscape buffers, shall be located within 100 ft. of a residential or planned development district or structure containing a dwelling unit.
- (B) **General Standards.**
- (1) No vehicle or equipment displays will be located within a required setback, fire lane, travel way, sidewalk, or landscaped area.
 - (2) All vehicles for sale shall be parked in a clearly striped parking space or display pad, as shown on the approved Site Plan.
 - (i) A minimum of 10 paved vehicle stock spaces are required.
 - (3) Elevated displays of vehicles are prohibited.
 - (4) All vehicles for sale or rental shall be operable and able to pass state inspection requirements.
 - (5) All uses involving vehicle sales shall include a designated area for unloading new inventory, which must not impede vehicular movement external to the site or block access to any required parking spaces located on the site.

¹¹ **Editor's Note:** General Standards are retained from Article 23, Section 4, with minor revisions for clarity.

- (6) Any areas where vehicles are awaiting body repair, auction, painting, or wholesale sales shall be screened from view from the public right-of-way and adjacent properties zoned for residential or mixed-use in accordance with **Article 8, Community Development Standards**, of this Ordinance.
- (7) *Vehicle Sales and Rental; Vehicle Service* uses shall not operate a junkyard/salvage yard, as defined in **Article 11, Definitions**, of this Ordinance.
- (8) All *Vehicle Sales and Rental; Vehicle Service* uses shall be licensed and shall adhere to all requirements of the Motor Vehicle Dealer Board as required in the Code of Virginia § 46.2-1508 and § 46.2-1510.
- (9) The temporary on-site storage of vehicles awaiting repair, service, or removal shall be on the side or rear of the principal structure and screened from view from any adjacent ROW by a building, or by an opaque fence or wall, in accordance with **Article 8, Community Development Standards**, of this Ordinance.
 - (i) Temporary on-site storage of vehicles shall be 30 days or less.
- (10) An appropriately sized and designed in-ground grease and oil separator device shall be installed on-site and properly maintained to prevent grease and oil entry into the wastewater system.
- (11) Nothing, including vehicles and vehicle equipment, shall be displayed on the top of a building.
- (12) Minor repair and service of vehicles are permitted as an accessory use, provided they are conducted inside a completely enclosed building and do not include body repair.
 - (i) Overhead or garage doors of such service shall not face a public ROW or a residential district or use.

(C) Hazardous Materials Standards.

- (1) The discharge of fuel, oil, solvents, anti-freeze, and/or other pollutants, hazardous materials, or flammable substances into any public sewer, storm drainage, or other surface waters is prohibited.
- (2) The owner/operator shall prepare an emergency spill notification Contingency Plan to be approved by the City and posted on the premises before the issuance of any occupancy permits. The owner/operator/tenant shall be responsible for notifying all City departments identified in the Contingency Plan immediately in the event of a spill or any petroleum product, chemical waste, or other hazardous substance on the property. The owner/operator shall assume full responsibility for all public and private expenses incurred in the clean-up of such spills.

Section 7-4-26. Veterinary Clinic/Hospital.

- (A) **Location.** Except where animals are confined in soundproofed buildings, no portion of the use, excluding required screening and landscape buffers, shall be located within:

- (1) 50 ft. from the property lines of adjoining residential zoned or planned development property; and
- (2) 100 ft. from any dwelling not on the associated parcel.

(B) **General Standards.**

- (1) All exterior runs, play areas, or arenas shall be designed with a minimum 6 ft.-high opaque screen from adjacent lot lines and street rights-of-way.
- (2) Animal shelters shall be kept free of waste on a regular basis to minimize impacts of odor and reduce propagation of pests.
- (3) Waste disposal shall be in accordance with VDH standards.
- (4) All animals shall be kept within a totally enclosed part of the structure(s) between the hours of 10:00 p.m. and 7:00 a.m. This does not include leashed walking of animals.

Division 5. Industrial Use Standards.

Section 7-5-1. Battery Energy Storage Facility.

- (A) **Intent.** This Section is not intended to abridge safety, health, environmental, or land use requirements contained in other applicable laws, codes, regulations, standards, or ordinances. This Section does not supersede or nullify any provision of local, State, or Federal law that applies to *Battery Energy Storage Facilities*.
- (B) **Configuration.** All *Battery Energy Storage Facilities* shall be configured so that battery cells shall be placed in a Battery Energy Storage System (BESS) with a Battery Management System (BMS). The BESS shall provide a secondary layer of physical containment to the batteries and be equipped with cooling, ventilation, and fire suppression systems.
- (C) **Operation.** *Battery Energy Storage Facilities* shall be constructed, maintained, and operated in accordance with applicable codes and standards, including but not limited to applicable fire, electrical, and building codes adopted by the City; National Fire Protection Association (NFPA) 855, Standard for the Installation of Stationary Energy Storage Systems, 2020 Edition and subsequent additions; Underwriters Laboratories (UL) 9540A Ed. 4-2019, Standard for Test Method for Evaluating Thermal Runway Fire Propagation in Battery Energy Storage Systems and subsequent editions.
- (D) **Utilities.** Public water, or an existing commercial well, and fire hydrants shall be available to the property.
- (1) All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, except for the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and ROWs.
- (E) **Screening.** Sufficient screening and/or landscaping shall be necessary to ensure that facilities are not visible from the public ROW. Facilities shall be fully screened on all sides from view,

except from an adjacent parcel on the same side of the road with an electric substation or a parcel that is zoned industrial.

- (1) All screening and landscaping shall be in accordance with **Article 8, Community Development Standards**, of this Ordinance.
- (2) RPAs shall not be counted toward buffer requirements.
- (3) Areas within 20 ft. on each side of battery energy storage system shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

(F) **Location and Setbacks.** Due to their potentially combustible nature, the siting of *Battery Energy Storage Facilities* and related equipment shall:

- (1) Be located at least 200 ft. from any residential district, planned development district, or dwelling;
- (2) Be located at least 100 ft. from agricultural, commercial, or industrial districts, except for an adjacent parcel with an electric substation to which the *Battery Energy Storage Facility* will connect;
- (3) Take advantage of existing topography, structures, and vegetation to provide extra screening; and
- (4) Prevent encroachment and runoff into wetlands, floodplains, and any other sensitive environmental areas.

(G) **Emergency Access.**

- (1) Access to the property for the Petersburg Department of Fire, Rescue, and Emergency Services shall be provided in a manner acceptable to the Fire Chief.
- (2) The owner or operator shall coordinate with the City of Petersburg Fire Chief to provide materials, education, and/or training on how to safely respond to on-site emergencies. Emergency personnel shall be given a key or code to access.

(H) **Safety Operation Standards.**

- (1) Each *Battery Energy Storage Facility* shall install and maintain an automatic fire alarm/detection system, fire suppression system, and other extinguishing technology built in based on specific hazards, as approved by the City Fire Chief, under the direction of NFPA 855 standards, as amended, and the Virginia Statewide Fire Prevention Code.
- (2) The Battery Management System shall include 24/7 monitoring for individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access.

- (3) The Battery Management System shall be capable of shutting down the system before thermal runaway takes place.
- (I) **Warning Signage.** NFPA 704 placards shall be placed on building entrances along with emergency contact information.
- (J) **Security fencing.** The facilities shall be enclosed by security fencing.
 - (1) All security fencing shall be a minimum of 8 ft. in height and topped with razor/barbed wire, as appropriate.
 - (2) All security fencing shall be placed behind the buffer and screened from view.
 - (3) A performance bond reflecting the costs of anticipated security fence maintenance shall be posted and maintained.
 - (4) Failure to maintain the security fencing shall result in revocation of the Zoning Permit following notice of violation and enforcement as provided in **Article 2, Administration**, of this Ordinance.
- (K) **Decommissioning Plan.** Applications for *Battery Energy Storage Facilities* shall include a Decommissioning Plan to be implemented upon abandonment and/or in conjunction with removal of the facility. All Decommissioning Plans shall be certified by an engineer or contractor with demonstrated expertise in solar facility removal, and shall include the following:
 - (1) The anticipated life of the project;
 - (2) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all components of the *Battery Energy Storage Facility*;
 - (3) An estimated deconstruction schedule;
 - (4) A description of mediation procedures for the release of hazardous materials or other emergency events during the decommissioning process.
 - (5) The estimated decommissioning cost in current dollars; and
 - (6) The estimated cost of decommissioning shall be guaranteed by bond, letter of credit, or other security approved by the City.
 - (i) The owner shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the *Battery Energy Storage Facility*.
 - (ii) The escrow account agreement shall prohibit the release of the bond without the written consent of the City. The City shall consent to the release of the bond upon on the owner's compliance with the approved Decommission Plan. The City may approve the partial release of the bond as portions of the approved Decommission Plan are performed.
 - (iii) The dollar amount of the bond shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.

- (iv) The owner or occupant shall recalculate the estimated cost of decommissioning every 5 years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by 10%, then the owner or occupant shall deposit additional funds into the bond to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than 90% of the original estimated cost of decommissioning, then the City may approve reducing the amount of the bond to the recalculated estimate of decommissioning cost.
- (7) Decommission shall include removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural uses.
- (L) **Emergency Plan.** Applications for *Battery Energy Storage Facilities* shall include an Emergency Plan that, at minimum, contains the following:
 - (1) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, release of hazardous materials, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - (2) Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - (3) Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service, and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous condition in the event of a system failure.
 - (4) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
 - (5) Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

Section 7-5-2. Construction Material Sales.

Outdoor storage as an accessory use to *Construction Materials Sales* shall conform to the standards of *Outdoor Storage*, as provided in **Section 7-7-4** of this Article.

Section 7-5-3. Construction Yard.

- (A) Outdoor storage as an accessory use to a *Construction Yard* shall conform with the standards of *Outdoor Storage*, as provided in **Section 7-7-4** of this Article.
- (B) All areas of the *Construction Yard* shall be operated and maintained in such a manner as not to allow the breeding of rats, flies, mosquitoes or other disease-carrying animals and insects.

Section 7-5-4. Crematorium.

- (A) **General.** Crematorium operations shall be conducted in accordance with the Regulations of the Board of Funeral Directors and Embalmers (18VAC65-20-10 et seq.) and the provisions of the Code of Virginia § 54.1-2800 et seq.
- (B) **Setbacks.** *Crematoriums* shall be located at least:
- (1) 250 ft. from all property lines; and
 - (2) 500 ft. from the nearest property line of following uses:
 - (i) *Day Care Center*;
 - (ii) *Educational Facility, Primary or Secondary*; or
 - (iii) *Public Parks and Recreation*.
- (C) **Accessory Use.** When accessory to a funeral home, the following standards shall apply:
- (1) The *Crematorium* shall not exceed 1 chamber unless otherwise approved as part of a SUP.
 - (2) Public access shall be limited to the funeral home entrance. No direct public access to the cremation area shall be allowed.

Section 7-5-5. Data Center.¹²

- (A) **Setbacks.** All principal structures shall be set back at least 100 ft. from any property line abutting a property used or zoned for residential purposes or a public park.
- (B) **Screening.**
- (1) A vegetated buffer 50 ft. in width shall be required along any property line abutting or across a road from a property used or zoned for residential purposes or a public park; for sites on which 70% or more of the existing open space or vegetated area is cleared for the development, the buffer shall be a minimum of 100 ft. in width.
 - (2) The buffer shall consist of an earthen berm that has a minimum height of 6 ft. and a slope not steeper than 2:1 with plantings including a combination of large and understory deciduous trees, large and small evergreen trees, and ornamental trees and shrubs at a rate of 120 plants per 100 linear feet.
 - (i) A minimum of 40% of the plantings shall be large evergreen trees on minimum 20-foot centers.
 - (ii) No more than 20% of the plantings shall be shrubs.
 - (3) Notwithstanding the requirements of this section, use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, or on the outside of a 6 ft. tall solid fence, may be substituted for the above requirements when found

¹² **Editor's Note:** General Standards for data centers are retained verbatim from Article 17, Section 2. Non-material, organizational edits have been made to match the structure of the updated Ordinance.

by the Planning Director to provide visual screening equivalent to the buffer yard with earthen berm.

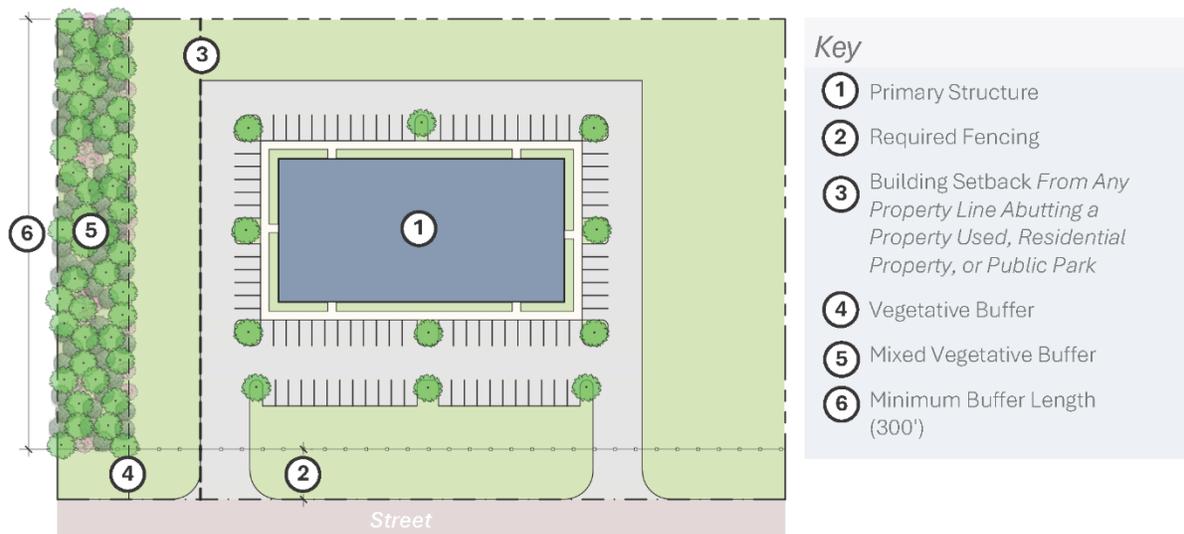
(C) **Noise.**

- (1) For sites that abut property used or zoned for residential purposes or a public park, the following noise studies must be prepared by a Commonwealth Licensed Professional Engineer (PE) verifying the maximum sound levels for the development:
 - (i) A pre-construction study shall be submitted at the time of site plan review evaluating the existing noise conditions prior to the development and model-predicted noise conditions resulting from the development.
 - (ii) A post-construction study of noise conditions at the time of operations shall be submitted at least 1 month but no more than 12 months. after the issuance of the first Certificate of Occupancy for the development.
 - (iii) Notwithstanding any provision to the contrary, if either the pre-construction or post-construction noise study demonstrates the development exceeds the maximum sound levels specified in **Chapter 50, Section 50-36** of the City Code as measured at the boundary abutting a property used or zoned for residential purposes or a public park, noise mitigation measures shall be required to secure conformance.
- (2) Each study shall be accompanied by an affidavit or certificate signed by the PE stating whether noise mitigation measures are required by the noise study. If mitigation measures are required, they shall be designed in compliance with the noise study and shown on the site plan. The Zoning Administrator has the authority to interpret and enforce the Pre- and Post-Construction Study and any necessary noise mitigation measures.
- (3) All mechanical equipment, both on ground and roof-mounted equipment, shall be attenuated through sound mitigation measures including, but not limited to, sound muffling materials.

(D) **Fencing.** Fencing of the property is permitted, provided that fencing within 35 ft. of a public street does not include barbed wire or other similar visible intrusion deterrence devices.

(E) **Cooling.** Closed-loop systems shall be utilized if water-based cooling is employed for the facility. This requirement may be waived or amended by the Director of Public Works.

Figure 7-3. Example of Data Center Standards.



Section 7-5-6. Equipment Sales, Service, and Repair (Heavy).

(A) General Standards.

- (1) All repairs shall be performed within a completely enclosed building.
- (2) An appropriately sized and designed in-ground grease and oil separator device shall be installed on-site and properly maintained to prevent grease and oil entry into the wastewater system.

(B) Displays.

- (1) Outdoor displays shall be limited to the equipment being sold, rented, or leased on the property. No other display of any other goods, parts, or merchandise shall be permitted.
- (2) No equipment displays shall be located within a required setback.
- (3) Elevated equipment displays shall be prohibited.

(C) Outdoor Storage.

- (1) Outdoor storage as an accessory use shall not exceed 30% of the total site area and shall be subject to the use standards of [Section 7-2-5](#) of this Article.
- (2) Outdoor storage of inoperable vehicles or equipment shall be prohibited.

(D) Hazardous Materials Standards.

- (1) The discharge of fuel, oil, solvents, anti-freeze, and/or other pollutants, hazardous materials, or flammable substances into the public sewer, storm drainage, or other surface waters is prohibited.
- (2) The owner/operator shall prepare an emergency spill notification Contingency Plan to be approved by the City and posted on the premises before the issuance of any occupancy permits. The owner/operator/tenant shall be responsible for notifying all City departments

identified in the Contingency Plan immediately in the event of a spill or any petroleum product, chemical waste, or other hazardous substance on the property. The owner/operator shall assume full responsibility for all public and private expenses incurred in the clean-up of such spills.

Section 7-5-7. Hazardous Materials, Storage, and Distribution.

(A) **Setbacks.** Any portion of the facility utilized for the manufacture or storage of hazardous materials shall maintain a separation of at least:

- (1) 150 ft. from all adjacent property lines; and
- (2) 1,000 ft. from any residential district.

Section 7-5-8. Junkyard/Salvage Yard.

(A) **General Standards.** In accordance with Code of Virginia § 33.2-804, *Junkyards/Salvage Yards* are permitted as a Special Use, with the standards as established in this Section.

(B) **Setbacks.** Minimum of 350 ft. from any street, road, or other ROW.

(C) **Screening.** All *Junkyards/Salvage Yards* must be completely screened by a solid wall or fence, including solid entrance and exit gates, not less than 6 ft. in height, so as not to be visible from any right-of-way.

- (1) All walls and fences shall be in accordance with **Article 8, Community Development Standards**, of this Ordinance.
- (2) Walls and fences used as screening shall not encroach into a sight distance triangle.
- (3) Vehicles, parts, materials, and equipment stored shall not be stacked higher than the screening wall or fence.
- (4) When walls and fences are adjacent to commercial or residential districts, a landscaped buffer shall be provided to break visibility of the fence in accordance with **Article 8, Community Development Standards**, of this Ordinance.

(D) **Maintenance.** All *Junkyards/Salvage Yards* shall be operated and maintained in such a manner as not to allow the breeding of rats, flies, mosquitoes or other disease-carrying animals and insects.

(E) **Compliance Required.** All *Junkyards/Salvage Yards* shall be operated in compliance with all federal and state record keeping and reporting requirements, to include, but not limited to:

- (1) Reporting to the DMV to confirm proper ownership;
- (2) Research through National Motor Vehicle Title Information Systems to confirm clean title history;
- (3) Reporting to leadsonline.com for the City of Petersburg Bureau of Police to access the vehicle history; and

(4) Reporting of every purchase, exchange or acquisition of any salvage or scrap vehicle on such frequency as requested by the City of Petersburg Bureau of Police, in accordance with the Code of Virginia § 46.2-1608.1.

(F) **Prohibited.** The collection or storage of any material containing, or contaminated with, dangerous explosives, chemicals, gases, or radioactive substances is prohibited.

Section 7-5-9. Manufacturing, Heavy; Manufacturing, Light; Manufacturing, Small-Scale.

(A) **General Standards.**

- (1) All operations must be conducted within a completely enclosed building.
- (2) Operations involving hazardous materials shall be in accordance with **Section 7-5-7**, above, and all applicable state and federal regulations.
- (3) *Outdoor Storage* areas shall comply with **Section 7-2-5** of this Article.
- (4) All activities associated with any *Manufacturing* use shall not produce glare, noise, fumes, or odor detectable across the property line.
- (5) If adjacent to a residential district or use, the hours of operation shall be restricted to 7 a.m. to 9 p.m., or as determined by a SUP, as applicable.

Section 7-5-10. Self-Storage Facility.

(A) **Minimum Lot Area.** Minimum lot area shall be 2.5 acres.

(B) **Activity.** No portion of the facility shall be used to manufacture, fabricate, or process goods; to service or repair vehicles, small engines, or electrical equipment, or conduct similar repair activities; to conduct sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.

- (1) The owner/operator shall be allowed to sell moving and packaging materials and related items and to hold auctions on site for the disposal of goods stored on the premises.

(C) **Prohibited.**

- (1) No storage of hazardous, toxic, or explosive materials shall occur in the facility. Signs shall be posted within the facility describing such limitations. No storage of combustible or flammable liquids, combustible fibers, or explosive materials, or toxic materials, shall be permitted on the premises.
- (2) Self-storage facilities shall not include portable storage containers, shipping containers and/or tractor trailers.
- (3) Incidental parking or storage of motor vehicles, including trucks or moving vans is not allowed, except for purposes of loading and unloading, or if approved as a part of a automobile sales and rental establishment.

(D) **General Standards.**

- (1) Except as otherwise authorized in this Section, all personal property shall be stored within enclosed buildings.
- (2) Access to all self-service storage rental spaces must be from the interior of the site. No individual storage bay doors, storage items, or lighted hallways along the lengths of the building façades may be visible from the public right-of-way.
- (3) Fire hydrants and/or fire suppression devices shall be provided, installed, and maintained in compliance with applicable codes and regulations.
- (4) No more than one security quarters may be developed on the site, and any such quarters shall be integrated into the facility’s design.
- (5) All access ways on the site shall be paved with asphalt, concrete, or comparable paving materials.
- (6) Loading and unloading areas must be located, screened or fully enclosed to minimize the potential for adverse impacts on adjacent property.
- (7) All areas with street frontage not occupied by a building or structure shall include a wall/fence or screening in accordance with **Article 8, Community Development Standards**, of this Ordinance.

Section 7-5-11. Solar Energy Facility.

(A) Intent.

- (1) The intent of this Section is to allow medium-scale solar energy facilities in a manner that promotes the development of renewable energy sources, while limiting and mitigating impacts on natural resources and existing residential, commercial, industrial, historical, cultural, and recreational uses of property, or the future development of such uses of property within the City.
- (2) The purpose of this Section is to outline the process and requirements for the construction, installation, operation, and decommissioning of medium-scale solar energy facilities that ensures the protection of health, safety, and welfare of the City.
- (3) This Section is not intended to abridge safety, health, environmental, or land use requirements contained in other applicable laws, codes, regulations, standards, or ordinances. This Section does not supersede or nullify any provision of local, State, or Federal law that applies to solar energy facilities.

(B) Compliance.

- (1) All medium-scale solar energy facilities shall fully comply with all applicable local regulations, as well as all applicable state and federal regulations, including but not limited to, the U.S. Environmental Protection Agency (EPA), Federal Aviation Administration (“FAA”), State Corporation Commission (“SCC”) or equivalent, any state departments related to environmental quality, parks, and wildlife protection, as well as all the applicable regulations of any other agencies that were in force at the time of the permit approval.

- (2) The design and installation of all medium-scale solar energy facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations and shall comply with all fire and safety requirements.

(C) **Megawattage.**

- (1) Minimum generation of 500 kilowatts (500 KW).
- (2) Maximum generation of 5 megawatts (5 MW).

- (D) **Consumption.** Generated electricity may be used for on-site consumption, provided to electric cooperative member-customers (non-retail, from behind the meter), or distributed for commercial consumption.

- (E) **Land Disturbance.** The clearing, grading, and overall site disturbance is limited to only that which is necessary; superfluous clearing and grading is not permitted, in order to retain existing trees and other groundcover.

- (F) **Grid Tied System.** No grid-tied system shall be installed until evidence has been given as part of the application that the owner has been approved by the utility company to install the system.

(G) **Height Limits.**

- (1) If the medium-scale solar energy facility is ground-mounted or not flush-mounted on a principal or accessory building, the facility's height when panels are oriented at maximum tilt shall not exceed 15 ft. at the tallest point.
- (2) If the medium-solar energy facility is roof-mounted or otherwise integrated into a principal or accessory structure, the facility's height when panels are oriented at maximum tilt shall not exceed the maximum height limit of the district in which it is located.

- (H) **Setbacks.** The solar energy facility shall comply with all setback requirements of the district in which it is located.

- (1) Regardless of whether a medium-scale solar facility is accessory to another use on the lot, all medium-scale solar facilities shall comply with the district's principal structure setbacks.

- (I) **Landscaping and Screening.** Landscaping and screening shall be provided for ground mounted solar to block visibility of the panel(s) and ancillary equipment from adjacent properties. All landscaping and screening shall be in accordance with **Article 8, Community Development Standards**, of this Ordinance.

(J) **Design Standards.**

- (1) The lowest surface of any panel shall be a maximum of 4 ft. above the finished grade on which the panel is located.
- (2) All wiring not on the solar arrays shall be underground except where necessary to connect to the public utility.

(K) **Liability Insurance.** The owner shall provide proof of adequate liability insurance for a medium-solar facility prior to beginning construction and before the issuance of any permits.

(L) **Inspection.**

- (1) The owner will allow designated City staff access to the facility for inspection purposes. The City staff will provide the owner with 24-hour notice prior to such inspection when practicable.
- (2) The owner shall reimburse the City its costs in obtaining an independent third-party to conduct inspections required by local and state laws and regulations.

(M) **Decommissioning and Reclamation.**

- (1) All applications for a medium-scale solar energy facility shall require a Decommission and Reclamation plan, as provided in (N), below.
- (2) Medium-scale solar energy facilities which have reached the end of their useful life, have been abandoned, or have not been in active and continuous service for a period of 12 months shall be removed at the owner's or operator's expense, except if the project is being repowered or a force majeure event has or is occurring requiring longer repairs; however, the City may require evidentiary support that a longer repair period is necessary.
- (3) The owner or operator shall notify the Administrator by certified mail of the proposed date of discontinued operations and plans for removal.
- (4) If a facility is abandoned and the owner receives a notice of abandonment from the Administrator, the owner shall either complete all decommissioning activities and remove the solar energy facility in accordance with the Decommission and Reclamation Plan or resume regular operation within 30 days.
- (5) If the owner of the solar facility fails to remove the installation in accordance with the requirements of the Decommission and Reclamation Plan, or within the proposed date of decommissioning, the City may collect the surety and the City or hired third party may enter the property to physically remove the installation.

(N) **Decommission and Reclamation Plan.** All Decommissioning and Reclamation Plans shall be certified by an engineer or contractor with demonstrated expertise in solar facility removal, and shall include the following:

- (1) The anticipated life of the project.
- (2) An estimated deconstruction schedule.
- (3) The estimated decommissioning cost in current dollars.
- (4) The estimated cost of decommissioning shall be guaranteed by bond, letter of credit, or other security approved by the City.
- (5) The owner shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the medium-scale solar facility.

- (6) The escrow account agreement shall prohibit the release of the bond without the written consent of the City. The City shall consent to the release of the bond upon on the owner's compliance with the approved Decommission and Reclamation Plan. The City may approve the partial release of the bond as portions of the approved Decommission and Reclamation Plan are performed.
 - (7) The dollar amount of the bond shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.
 - (8) The owner or occupant shall recalculate the estimated cost of decommissioning every five years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by ten percent (10%), then the owner or occupant shall deposit additional funds into the bond to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than 90% of the original estimated cost of decommissioning, then the City may approve reducing the amount of the bond to the recalculated estimate of decommissioning cost.
 - (9) Decommissioning shall include removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities.
 - (10) The site shall be graded and re-seeded or replanted within 12 months of removal of solar facilities to restore it to as natural a pre-development condition as possible.
 - (11) Any exception to site restoration, such as leaving driveways, entrances, or landscaping in place, or substituting plantings, shall be requested by the landowner in writing, and this request shall be approved by the City Council.
- (O) Hazardous material from the property shall be disposed of in accordance with federal and state law.

Section 7-5-12. Solar Energy Facility, Accessory.

(A) Purpose and Intent.

- (1) The intent of this Section is to allow small-scale and rooftop solar energy facilities in a manner that promotes the development of renewable energy sources, while limiting and mitigating impacts on natural resources and existing residential, commercial, industrial, historical, cultural, and recreational uses of property, or the future development of such uses of property within the City.
- (2) The purpose of this Section is to outline the process and requirements for the construction, installation, operation, and decommissioning of accessory solar energy facilities that ensures the protection of health, safety, and welfare of the City.
- (3) This Section is not intended to abridge safety, health, environmental, or land use requirements contained in other applicable laws, codes, regulations, standards, or ordinances. This Section does not supersede or nullify any provision of local, State, or Federal law that applies to solar energy facilities.

(B) Administration.

- (1) A Site Plan in accordance with **Article 3, Permits and Applications**, shall be required for non-residential ground-mounted accessory solar facilities.
- (2) Non-residential rooftop-mounted accessory solar facilities with no ground-mounted components shall obtain a Zoning Permit in accordance with **Article 3, Permits and Applications**.
- (3) Any solar facility located in a designated historic district shall be subject to additional review and approval by the ARB.

(C) Compliance.

- (1) All accessory solar energy facilities shall fully comply with all applicable local regulations, as well as all applicable state and federal regulations, including but not limited to, the U.S. Environmental Protection Agency (EPA), Federal Aviation Administration (“FAA”), State Corporation Commission (“SCC”) or equivalent, any state departments related to environmental quality, parks, and wildlife protection, as well as all the applicable regulations of any other agencies that were in force at the time of the permit approval.
- (2) The design and installation of all accessory solar energy facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations and shall comply with all fire and safety requirements.

(D) Megawattage. There shall be a maximum generation of 500 kilowatts (500 KW).

(E) Consumption. Generated electricity may be used for on-site consumption or provided to electric cooperative member-customers (non-retail, from behind the meter).

(F) Land Disturbance. The clearing, grading, and overall site disturbance is limited to only that which is necessary; superfluous clearing and grading is not permitted, in order to retain existing trees and other groundcover.

(G) Height Limits.

- (1) If the accessory solar energy facility is ground-mounted or not flush-mounted on a principal or accessory building, the facility’s height shall not exceed 15 ft. at the tallest point, when the panels are oriented at maximum design tilt.
- (2) If the accessory solar energy facility is roof-mounted or otherwise integrated into a principal or accessory building, the facility’s height when panels are oriented at maximum tilt shall not exceed the maximum height limit of the district in which it is located.

(H) Setbacks. The solar energy facility shall comply with all setback requirements of the district in which it is located.

- (1) Ground-mounted solar energy facilities shall only be permitted in side or rear yards.

(I) Landscaping and Screening. Landscaping and screening shall be provided for ground-mounted solar in accordance with **Article 8, Community Development Standards**, of this Ordinance to block visibility of the panel(s) and ancillary equipment from adjacent properties.

(J) **Design Standards.**

- (1) If the accessory solar energy facility is ground-mounted or not flush-mounted on a principal or accessory building, then the lowest surface of any panel shall be a maximum of 4 ft. above the finished grade on which the panel is located.
- (2) All wiring not on the solar arrays shall be underground except where necessary to connect to the public utility.

(K) **Inspection.**

- (1) The owner will allow designated City staff access to the facility for inspection purposes. The City staff will provide the owner with 24-hour notice prior to such inspection when practicable.
- (2) The owner shall reimburse the City its costs in obtaining an independent third-party to conduct inspections required by local and state laws and regulations.

- (L) **Facility Removal.** The owner/operator shall be responsible for the removal of facilities which have reached the end of their useful life or have been abandoned in accordance with all applicable state and federal standards.

Section 7-5-13. Vehicle Tow Lot.

(A) All stored vehicles shall:

- (1) Be screened from public view by an opaque fence with a minimum height of 6 ft.
- (2) Be located at least 100 ft. from residential districts or uses.

(B) The following is not permitted:

- (1) Vehicle stacking.
- (2) Dismantling, salvaging, or major repair on-site.

- (C) Temporary storage shall be limited to a maximum of 30 days per vehicle unless the vehicle has been abandoned by its owner. Abandoned vehicles may remain on the lot for a maximum of 90 days. Maximum storage times may be extended up to 6 months if the owner submits certification that legal obligations preclude removal of such vehicles.

- (D) Any storage of hazardous materials shall conform to **Section 7-5-7** of this Article and all applicable state and federal regulations.

Division 6. Public, Civic, and Recreational Use Standards.

Section 7-6-1. Civic Club, Private.¹³

(A) **General Standards.**

¹³ **Editor's Note:** Provisions for private clubs have been retained from the current definition of "Club, Private."

- (1) *Civic Club, Private* shall not be operated for the purpose of carrying on a trade or business and no part of the net earnings shall incurr to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered.
- (2) Owners/operators of a *Civic Club, Private* shall maintain a current membership log, which shall be made available for view upon request by the City Commissioner of the Revenue.

Section 7-6-2. Community Garden.

- (A) **Use.** A *Community Garden* may be permitted as a principal use or an accessory use.
- (B) **Lot Area.** The maximum lot area shall be 1 acre. There shall be no minimum lot area.
- (C) **Setbacks.** All garden beds and related areas shall be setback at least 10 ft. from all property lines.
- (D) **Structures.** All sheds, greenhouses, hoop houses, shelters, and similar structures associated with a *Community Garden* shall be considered accessory structures, and subject to the dimensional requirements for accessory structures in the base zoning district.
 - (1) The maximum aggregate area of all associated accessory structures is 250 sq. ft.
- (E) **General Standards.**
 - (1) No *Community Garden* shall be located in a designated RPA or flood hazard area.
 - (2) A soil test through the Virginia Cooperative Extension shall be conducted prior to establishment of the community garden to determine any soil contamination or necessary soil amendments.
 - (3) Waste receptacles shall be provided on-site.
 - (4) *Community Gardens*, waste receptacles, and all associated accessory structures and must be continuously maintained and kept free of overgrowth, trash, junk, odors, runoff, debris, and pests.
 - (5) All *Community Gardens* shall have an adequate supply of sanitary water.
 - (6) All lighting, fences, walls, signage, and screening utilized on the property shall adhere to **Article 8, Community Development Standards**, of this Ordinance.
- (F) **Keeping of Chickens or Honeybees.** The keeping of chickens and/or honeybees is permitted in community gardens, provided the following standards are met:
 - (1) **Bees.**
 - (i) **Lot Area.**
 - (a) 2 hives permitted with a minimum 15,000 sq. ft. of lot area.
 - (b) 3 hives permitted with a minimum 20,000 sq. ft. of lot area.
 - (c) 4 hives permitted with a minimum 25,000 sq. ft. of lot area.

- (d) 5 or more hives permitted with a minimum 1 acre of lot area.
- (ii) **Setbacks.** All hives shall be located at least 30 ft. from any residential dwelling.
- (iii) **General Standards.**
 - (a) Bees shall only include European Honeybees, otherwise known by the species name *Apis Mellifera*, and genetic variations thereof.
 - (b) No hives will be located in a front setback or within the front yard of a lot.
 - (c) A constant supply of fresh water shall be provided on the lot within 50 ft. of all hives.
 - (d) A fly away barrier at least 6 ft. in height shall shield any part of a property line that is within 25 ft. of a hive.
 - i. Fly away barriers must consist of dense vegetation, a wall, or a solid fence. Any wall or fence must comply with **Article 8, Community Development Standards**, of this Ordinance.
 - (e) Any sale of bees on combs or hives, used beekeeping equipment, or appliances shall have a certificate of health as required by the Code of Virginia § 3.2-4407.
 - (f) A minor sign, in accordance with **Article 8, Community Development Standards**, shall be provided for reasonable warning of the presence of beehives.
 - (g) The owner/operator of the *Community Garden* where bees are kept shall adhere to the best management practices provided in 2VAC5-319-30.
- (2) **Chickens.**
 - (i) **Lot Area.** Minimum lot area of 10,000 sq. ft. per 8 chickens.
 - (ii) **Maximum Permitted.** Maximum of 32 chickens.
 - (iii) **Setbacks.**
 - (a) All enclosures, runs, and coops shall be located at least 30 ft. from any residential dwelling.
 - (b) No enclosures, runs, or coops shall be located within a front setback or within the front yard of the lot.
 - (iv) **General Standards.**
 - (a) The keeping of chickens shall comply with all applicable state and federal laws.
 - (b) The keeping of roosters is prohibited.
 - (c) Chickens shall be used for non-commercial domestic purposes. The harvesting of chickens for commercial purposes is prohibited; however, the sale of eggs from chickens is permitted.

- (d) All feed shall be kept in a secure container or location in order to prevent the attraction of rodents and other nuisance animals.
- (e) All coops shall provide at least 3 sq. ft. of area per chicken and all runs must provide at least 10 sq. ft. per chicken.

(G) **Prohibitions.** The following are prohibited:

- (1) The on-site processing of any crop grown on-site or off-site.
- (2) The keeping of livestock or animals other than chickens or honeybees.
- (3) The use of commercial-grade pesticides, herbicides, and fertilizers.

(H) **Temporary Uses.** On-site sales or distribution, or other public events associated with the *Community Garden*, shall be permitted with an approved Temporary Use Permit in accordance with **Article 3**, Permits and Applications, of this Ordinance.

Section 7-6-3. Shelter, Animal.

(A) **Location.** Except where animals are confined in soundproofed buildings, no portion of the use, excluding required screening and landscape buffers, shall be located within:

- (1) 100 ft. from the property lines of adjoining residential zoned or planned development property; and
- (2) 200 ft. from any dwelling not on the associated parcel.

(B) **General Standards.**

- (1) All exterior runs, play areas, or arenas shall be designed with a minimum 6 ft. tall opaque screen from adjacent lot lines and street rights-of-way.
- (2) Animal shelters shall be kept free of waste on a regular basis to minimize impacts of odor and reduce propagation of pests.
- (3) Waste disposal shall be in accordance with VDH standards.
- (4) All animals shall be kept within a totally enclosed part of the structure(s) between the hours of 10:00 p.m. and 7:00 a.m. This does not include leashed walking of animals.

Section 7-6-4. Telecommunications Facility.

(A) **Uses.**

- (1) **Principal or Accessory Use.** For the purposes of determining compliance with the standards of this Ordinance, *Telecommunications Facilities* may be considered either principal or accessory uses.
 - (i) An existing use or an existing structure on the same lot will not preclude the installation of a *Telecommunications Facility* on such lot.

- (ii) For purposes of determining whether the installation of a *Telecommunications Facility* complies with district regulations, the dimensions of the entire lot will control, even though the facility may be located on leased area within such lots.
- (2) **Nonconforming Uses.** *Telecommunications Facilities* that are constructed, and antennas that are installed, in accordance with the provisions of this Section will not be deemed to constitute the expansion of a nonconforming use or structure.
- (3) **Excluded Uses.** The following uses are not subject to the requirements of this Section for *Telecommunications Facilities*:
 - (i) Amateur radio operations as regulated by Code of Virginia § 15.2-2293.1.
 - (ii) Television reception antennas that are less than 35 ft. above ground level (AGL) and used exclusively for non-commercial purposes.
 - (iii) Ground-mounted satellite earth station antennas that are less than or equal to 10 ft. AGL, less than or equal to 6 ft. in diameter, and used exclusively for non-commercial purposes.
 - (iv) Micro-wireless facilities, provided that they are less than or equal to 80 ft. AGL. Co-location of additional antennae should be sought. The City reserves the right to require “stealth technology” to hide or camouflage wireless facilities for micro-wireless facilities.
 - (v) Satellite earth station antennas. Ground-mounted satellite earth station antennas that are less than or equal to 10 ft. AGL, less than or equal to 6 ft. in diameter, and used exclusively for non-commercial purposes.
 - (vi) City owned or operated wireless *Telecommunications Facilities* are exempt from the requirements of this Article, but are expected to adhere, to the extent reasonably possible, to the goals described herein.

(B) Co-Location Requirements.

- (1) Existing towers may be extended to allow for additional users, provided that the overall height of the tower is not increased by more than 15 ft. for each new user and that the overall height of the structure does not exceed 199 ft.
- (2) No new tower will be permitted unless the applicant demonstrates, to the reasonable satisfaction of the City of Petersburg, that no existing tower or structure can accommodate the applicant’s proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant’s proposed antenna shall consist of the following information at a minimum:
 - (i) No existing towers or structures are located within the geographic area required to meet applicant’s engineering requirements;
 - (ii) Existing towers or structures are not of sufficient height to meet applicant’s engineering requirements;

- (iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
- (iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
- (v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt to an existing tower or structure for sharing are unreasonable; and
- (vi) The applicant demonstrates that there are other limiting factors that render the existing towers and structures unsuitable.

(C) Design Standards.

- (1) Wireless facilities shall be designed, installed, and operated so as not to interfere with the City's public safety/service radio system or public safety/service radio systems operated in other jurisdictions. Any entity operating wireless facilities determined to interfere with the City's or another jurisdiction's public safety radio system must take corrective action immediately upon discovery.
- (2) The name and address of a registered agent for each lessee of wireless support structure space must be provided to the Commissioner of Revenue by January 1st of each year.
- (3) Broadcasting or communication towers shall be of a monopole design unless the City Council determines that an alternative design would better blend into the surrounding environment.
- (4) Towers shall be designed to collapse fully within the lot lines of the subject property in case of structural failure.
- (5) Unless utilizing camouflaging designs, towers must either maintain a galvanized steel finish, or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color, to reduce visual obtrusiveness.
- (6) Dish antennas will be of a neutral, non-reflective color with no logos. Towers that are painted must be repainted if the original color has significantly degraded as the result of fading, peeling, flaking, or rust.
- (7) At a facility site, the design of the buildings and related structures must, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding structures.
- (8) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.
- (9) Towers must be illuminated as required by the Federal Communications Commission (FCC), but no lighting shall be incorporated if not required by the FCC, other than essential security lighting. Site lighting must be fully cut-off and directed downward. When

incorporated into the approved design of the tower, light fixtures shall be used to illuminate ball fields, parking lots, or other similar areas may be attached to the tower.

- (10) No advertising of any type shall be placed on the tower or accompanying facility.
 - (11) All towers must meet or exceed current standards and regulations of the FAA and the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. Towers that are painted, as required by the FAA, shall be repainted as necessary to maintain minimum visibility requirements as set forth by the FAA.
 - (12) To ensure structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable federal, state, and local building codes and regulations.
 - (13) The area immediately surrounding the tower and access road shall be kept free of trash and debris.
 - (14) All electrical devices, fixtures, and wires, to include electric generators and fuel tanks, shall be maintained in compliance with the requirements of the National Electrical Safety Code.
 - (15) Tower owners shall maintain towers, telecommunication facilities, and antenna support structures in safe condition so that the same will not menace or endanger the life or property of any person.
- (D) **Setbacks.** The following setback distances for towers shall be required and shall replace the setbacks otherwise required in the zoning district in which the facility is located.
- (1) The tower shall be set back from any off-site residential structure at least 400 ft.
 - (2) Towers, guys, and accessory facilities shall be set back:
 - (i) 100 ft. from any property line which abuts a residential or agricultural district; and
 - (ii) 50 ft. from any property line which abuts a commercial or industrial district.
 - (3) No habitable structures or places where people gather will be located within any “fall zone” as certified by a registered professional engineer licensed in Virginia.
 - (4) A tower’s setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light pole, utility pole, water tower, public facility, or similar structure.
- (E) **Height Restrictions.** *Telecommunications Facilities* shall be designed not to exceed an overall height of 199 ft. except as otherwise approved in the conditions of the SUP.
- (F) **Security Fencing.** Ground-mounted towers and equipment shall be enclosed by security fencing to protect against unauthorized access. Unless otherwise specified, a minimum 6 ft. high chain link fence, incorporating an anti-climb device and locked access gate, shall be provided.
- (G) **Landscaping.** Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the support buildings from adjacent property.

- (1) The standard buffer shall consist of a landscaped strip at least 15 ft. wide outside the perimeter of the fencing, which shall consist of native trees and shrubs.
 - (2) Natural vegetation sufficient to serve as a buffer may be used in lieu of planting a landscaped buffer.
 - (3) Existing mature tree growth and natural landforms on the site shall be preserved at a minimum radius depth of 100 ft. from the base of the facility to the maximum extent possible, except as necessary to accommodate the proposed facility and vehicular access.
 - (4) All plant material, used as landscaping and/or buffering, shall be tended and maintained in a healthy growing condition. Dead plant material shall be replaced in-kind.
- (H) **Signage.** Signage on site shall be limited to no trespassing, safety, or FCC required signs to be positioned on the fence surrounding the facility. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
- (1) The following shall be clearly posted at the site:
 - (i) The appropriate signage as required by FCC guidelines governing Electromagnetic Energy Fields (EMEF);
 - (ii) 24-hour emergency contact information for the owner and each co-locator; and
 - (iii) FCC tower registration.
- (I) **Required Application Information.**
- (1) Actual photographs of the site from a minimum of 4 points surrounding the site, including simulated photographic images to scale of the proposed tower. The photograph with the simulated image must include the foreground, the midground, and the background of the site.
 - (i) City staff reserves the right to select the locations for the photographic images and require additional images. As photo simulations may be dependent upon a balloon test first being conducted, the applicant is not required to submit photo simulations with their initial application but must provide them prior to the public hearing with the Planning Commission.
 - (2) An engineering report, certifying that the proposed tower is structurally suitable and of adequate height for co-location with a minimum of 3 users including the primary user.
 - (3) A copy of the FAA airspace study must be provided prior to the issuance of a building permit for the construction tower. The FAA airspace study must provide confirmation that the tower will not pose any hazard to air navigation.
 - (4) A commitment from a service provider to locate the proposed tower.
 - (5) A radio frequency engineer's Letter of Non-interference which attests that the wireless facility will not interfere with the public safety radio system.
 - (6) An agreement allowing the City to collocate on the tower for the purpose of emergency service communications.

- (7) A proposed construction schedule.
- (8) Documentation showing other structures evaluated as support structures within a 3-mile radius of the proposed site.
- (9) Letter(s) containing Federal approval and/or findings related to impacts on environmental and historic resources and including any conditions of approval.
- (10) The attendance sheets, notes, and materials from any community meeting held.
- (11) Site Plans for telecommunications facilities must include:
 - (i) Radio frequency coverage and tower height requirements.
 - (ii) All designated “fall zones” as certified by a registered professional engineer licensed in Virginia.

(J) Application Process.

- (1) **Pre-Application Meeting.** Prior to filing an application, the applicant is strongly encouraged to meet with City staff at a pre-application meeting to discuss the proposed use and to become more familiar with the applicable requirements and approval procedures of the City.
- (2) **Balloon Test.** If determined to be necessary by the Zoning Administrator, a balloon test may be required for new towers prior to the public hearing. If required, the balloon test shall comply with the following:
 - (i) The applicant shall arrange to raise a highly visible colored balloon (no less than 5 ft. in diameter) at the maximum height of the proposed tower and within 50 horizontal ft. of the center of the proposed tower.
 - (ii) The balloon and foreground shall be photographed from a minimum of 4 different perspectives and varying distances in preparation for photographic simulation of the wireless facility, including from neighboring homes, parks, historic areas, and rights-of-way.
 - (iii) The applicant shall inform the Zoning Administrator and adjacent property owners in writing of the date and times of the test at least 7, but no more than 14 days in advance.
 - (a) The notice shall direct readers to a new date if the test is postponed due to inclement weather.
 - (b) The applicant shall request permission in writing from the adjacent property owners to access their property during the balloon test to take pictures of the balloon and to evaluate the visual impact of the proposed tower on their property.
 - (iv) The date, time, and location of the balloon test shall be advertised in the City's newspaper of record by the applicant at least 7 but no more than 14 days in advance of the test date.
 - (a) The advertisement shall direct readers to a new date if the test is postponed due to inclement weather.

- (v) The balloon shall be flown for at least 9 daylight hours on 2 consecutive days at or as close as possible to the location of the proposed wireless facility.
 - (vi) Signage shall be posted on the property to identify the property where the balloon is to be launched. The signage shall direct readers to a new date if the test is postponed due to inclement weather.
 - (a) This signage shall be posted a minimum of 72 hours prior to the balloon test. If inclement weather postpones the test, then cancellation of the test for that day must be clearly noted on the signage.
 - (vii) If the wind during the balloon test does not allow the balloon to sustain its maximum height or there is significant fog or precipitation which obscures the balloon's visibility, then the test shall be postponed and moved to the alternate inclement weather date provided in the advertisement. City staff reserves the right to declare weather inclement for purposes of the balloon test.
 - (viii) The applicant is responsible for securing any FAA approvals required prior to this demonstration.
- (3) **Community Meeting.** A community meeting is encouraged to be held by the applicant prior to the public hearing with the Planning Commission.
- (4) **Approval Process and Time Restrictions.**
- (i) The approving bodies, in exercise of the City's zoning regulatory authority, may disapprove an application on the grounds that the tower's aesthetic effects are unacceptable, or may condition approval on changes in tower height, design, style, buffers, or other features of the tower or its surrounding area. Such changes need not result in performance identical to that of the original application.
 - (a) In accordance with Code of Virginia § 15.2-2316.4:2, reasonable factors relevant to aesthetic effects are:
 - i. the protection of the view in sensitive or particularly scenic areas, and areas containing unique natural features, scenic roadways or historic areas;
 - ii. the concentration of towers in the proposed area; and
 - iii. whether the height, design, placement or other characteristics of the proposed tower could be modified to have a less intrusive visual impact.
 - (ii) The approving bodies, in accord with Code of Virginia § 15.2-2316.4:2, may disapprove an application based on the availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant.
 - (iii) Unless some other timeframe is mutually agreed upon, an application for a tower shall be reviewed by the City and a written decision must be issued within 150 days of a completed submission.

- (iv) Unless some other timeframe is mutually agreed upon, an application for collocation shall be reviewed by the City and a written decision must be issued within 90 days of a completed submission.
 - (v) A complete application for a project shall be deemed approved if the locality fails to approve or disapprove the application within the applicable period specified or mutually agreed upon.
 - (vi) If the City disapproves an application, it shall provide the applicant with a written statement of the reasons for disapproval. If the locality is aware of any modifications to the project as described in the application that if made would permit the locality to approve the proposed project, the locality must identify them in the written statement provided.
 - (a) The written statement must contain substantial record evidence and be publicly released within 30 days of the decision.
- (K) **Structural Certification and Inspections.** All proposed towers shall be certified by a licensed professional engineer to be structurally sound and in conformance with the requirements Structural Standards for Steel Antenna Towers and Antenna Supporting Structures (ANSI/TIA/EIA-222-F), International Statewide Building Code and all applicable, City, state, and federal laws.
- (1) For new structures, or the extension of existing structures, such certification shall be submitted prior to issuance of the building permit. For existing towers being utilized for collocation, certification shall be provided to verify their capability to support additional loading.
 - (2) Over the life of the tower, the City may require the tower owner to inspect and certify the structural integrity of the tower should there be a reason to believe that the tower has degraded to the point where it is believed to pose a legitimate threat to life and/or property. Structural analysis must be performed within 30 days, upon formal written request of the City.
 - (3) The City reserves the right to perform inspections upon reasonable notice to the tower owner. The City and its agent retain authority to enter onto the property for the purpose of assessing compliance with the statewide building code and all other construction standards provided by the City Code and federal and state law. If defects had been identified on previous inspections, the City may, at its discretion, require the tower owner to bear the cost of the inspection.
 - (4) The tower or telecommunication facilities owner must certify to the City on an annual basis that it complies with all of the requirements set forth above.
- (L) **Review Fee.** Any out-of-pocket costs incurred by the City for the review of any of the above required information shall be reimbursed by the applicant.
- (M) **Abandoned Towers.** Any antenna or tower that is not operational for a continuous period of 24 months will be considered abandoned, and the owner of each such antenna or tower shall remove the tower.

- (1) Removal includes the removal of the tower, all tower and fence footers, underground cables, and support buildings. The buildings may remain with the owner's approval.
- (2) If there are 2 or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- (3) The City may dismantle and remove the tower and recover the cost of the same from the owner.

Section 7-6-5. Telecommunications Facility, Small Cell.¹⁴

(A) In accordance with Code of Virginia § 15.2-2316.4, *Small-Cell Telecommunications Facilities* shall be permitted by-right in all zoning districts subject to the performance standards in this Section.

(B) Installation.

- (1) The *Small-Cell Telecommunications Facility* shall be installed by a wireless services provider or wireless infrastructure provider on an existing structure.
- (2) The wireless services provider or wireless infrastructure provider has obtained permission from the owner of the existing structure to collocate the *Small-Cell Telecommunications Facility* on the existing structure and to collocate the associated transmission equipment on or proximate to the existing structure.
- (3) Each antenna is located inside an enclosure of, or the antenna and all its exposed elements could fit within an imaginary enclosure of, no more than 6 cubic ft.; and
- (4) Excluding electric meter, concealment, telecommunications demarcation boxes, backup power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services, all other equipment associated with the facility does not exceed 28 cubic ft., or such higher limit as may be established by the Federal Communications Commission.

(C) Application and Review.

- (1) A wireless services provider or wireless infrastructure provider may submit up to 35 permit requests for small-cell telecommunications facilities on a single application. Permit application shall be in accordance with Code of Virginia § 15.2-2316.4, Paragraph B (2).
- (2) Permit applications for *Small-Cell Telecommunications Facilities* shall be reviewed and approved as follows:
 - (i) Permit applications for the installation of *Small-Cell Telecommunications Facilities* shall be approved or disapproved within 60 days of receipt of the complete application. The 60-day period may be extended by staff upon written notification to the applicant, for a period not to exceed an additional 30 days. The application shall

¹⁴ **Editor's Note:** New provisions for small-cell telecommunications facilities have been introduced for compliance with state code.

be deemed approved if the locality fails to act within the initial 60 days or an extended 30-day period.

- (ii) Within 10 days of receipt of an application submission and a valid electronic mail address for the applicant, the applicant shall receive an electronic mail notification if the application is incomplete. If the application is determined to be incomplete, the notification shall specify the missing information which needs to be included in a resubmission in order to be determined complete.
- (iii) Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval. The disapproval may be based only on any of the following reasons:
 - (a) Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities;
 - (b) Public safety or other critical public service needs; and/or
 - (c) In instances where the installation is to be located on or in publicly owned or publicly controlled property (excluding privately owned structures where the applicant has an agreement for attachment to the structure), aesthetic impact or the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property.
- (iv) A permit application approval shall not be unreasonably conditioned, withheld, or delayed.
- (v) An applicant may voluntarily submit, and staff may accept, any conditions that address potential visual or aesthetic effects resulting from the placement of small cell facilities.
- (vi) The submission of a permit application shall represent a wireless services provider's or wireless infrastructure provider's notification of the City as required by Code of Virginia § 15.2-2316.4(A).

Section 7-6-6. Utility Service, Minor.¹⁵

- (A) **Applicability.** This section applies to minor utility service uses that involve a building or structure, such as sheds, pump stations, equipment structures, and similar.
- (B) **Exempt.** The following are exempt from the requirements of this Section.
 - (1) Public water/sewer lines and appurtenances;
 - (2) Service lines to consumers;

¹⁵ **Editor's Note:** Applicability and exemption language has been introduced. General Standards have been adapted from the existing requirements of Article 23, Section 4(5).

- (3) Water towers; and
- (4) Above- and below-ground cables, wires, or pipes that are located within easements.

(C) **General Standards.**

- (1) If visible from an adjacent residential district, planned development district, or property with a residential dwelling, the use shall be enclosed in a structure compatible in style and character with surrounding residences, or screened in accordance with **Article 8, Community Development Standards**, of this Ordinance.
- (2) The site and all associated parking areas shall not be used for the construction, repair, service, or storage of vehicles or off-site utility equipment.
- (3) No structures or signs shall be installed in an associated parking area;
- (4) No charge shall be made for parking on premises.

Division 7. Residential Use Standards.

Section 7-7-1. Adaptive Reuse, Residential.

- (A) **Purpose.** The purpose of this section is to encourage the reuse and rehabilitation of existing nonresidential buildings in a manner that supports community revitalization, provides new opportunities for housing and employment, and preserves the character and investment of established areas.
- (B) **Applicability.** An existing nonresidential building may be eligible for adaptive reuse if it:
 - (1) Is at least 50 years old;
 - (2) Is structurally sound or can be rehabilitated accordingly, as determined by a licensed professional engineer; and
 - (3) The original use of the structure is functionally or economically obsolete, as demonstrated by real estate market data and other relevant data provided by the applicant.
- (C) **General.** Any additional parking, lighting, or signage requirements necessitated by the reuse of a structure must be scaled in a manner that is subordinate to the existing structure and must be compatible with and not adversely impact the character of the surrounding landscape and development pattern.
- (D) **Units.** The number of dwelling units created through adaptive reuse shall not exceed the gross floor area of the building divided by 700 sq. ft. per unit, unless a different average unit size is approved by the Zoning Administrator.
 - (1) In buildings that incorporate ground floor commercial uses, the maximum number of units shall be the gross floor area of non-commercial floors divided by 700 sq. ft. per unit, unless a different average unit size is approved by the Zoning Administrator. The non-commercial gross floor area shall not include non-habitable spaces such as hallways, stairs, elevators, storage rooms, mechanical rooms, and shared amenity facilities.

- (E) **Mix of Uses.** In the B-3 District, the ground floor of any adaptively reused building fronting on a public ROW shall have commercial uses only, as permitted in **Article 6, Use Matrix**. Residential units shall be located on upper floors.
- (F) **Historic Buildings.**
- (1) In addition to the standards of this section, buildings located in a Historic Overlay District are subject to the requirements of **Article 5, Division 3** and may require a Certificate of Appropriateness in accordance with **Article 3, Division 10**.
 - (2) Any additions to a building located in a Historic Overlay District or designated as a “Petersburg Historic Building” shall be located on a rear or secondary elevation that does not abut a public ROW.
- (G) **Waivers and Modifications.** The Zoning Administrator may waive or modify the requirements of **Article 8, Community Development Standards**, for buildings that are eligible for adaptive reuse if it is determined that:
- (1) The existing building and site conditions make full compliance impracticable without impacting the historic integrity of the building or site;
 - (2) The proposed reuse will maintain a level of design quality and compatibility consistent with the surrounding area; and
 - (3) The proposed reuse will facilitate reinvestment in existing structures and discourage demolition and replacement with new construction.

Section 7-7-2. Bed and Breakfast.¹⁶

- (A) **Owner/Operator Occupied.** *Bed and breakfasts* are allowed with a SUP in a single-family detached dwelling. The owner/operator shall occupy the dwelling or an accessory dwelling on the same parcel.
- (B) **Registration.**
- (1) The owner of a *Bed and Breakfast* shall maintain a log of all patrons, including their name, address, license plate number and state, and their length of stay.
 - (2) Guests may stay no longer than 30 consecutive days.
- (C) **General Standards.**
- (1) The maximum occupancy is 2 persons per sleeping room, not to exceed 20 persons per structure.
 - (i) Every room occupied for sleeping purposes shall comply with the USBC.
 - (2) Guest rooms shall not have cooking facilities.

¹⁶ **Editor’s Note:** Provisions from Article 23, Section 4(13) regarding occupancy have been retained. Items regarding parking and signage have been relocated to **Article 8**, Community Development Standards. New text regarding licensures, registration, food service, and SUP restrictions have been added.

- (3) Food services in connection with the use shall be limited to meals provided to guests taking lodging at the facility. Restaurant service open to the general public is a separate use, permitted according to the district regulations.
- (4) Additional activities, including receptions, parties, and other events, are not permitted unless specifically authorized by the SUP.
- (5) Where applicable, the applicant shall provide evidence of a valid permit from VDH.

Section 7-7-3. Dwelling, Manufactured Home.

- (A) All *Manufactured Home Dwellings* shall comply with the Virginia Manufactured Housing Construction and Safety Standards Law and **Chapter 5, Buildings and Building Regulations**, of the City Code.
- (B) All *Manufactured Home Dwellings* shall be placed on a permanent foundation and must comply with the requirements of the USBC, including skirting requirements.
- (C) *Manufactured Home Dwellings* shall not be joined or connected as one dwelling, nor will any accessory building, excluding decks or similar structures, be attached to a manufactured home dwelling. This does not prohibit *Manufactured Home Dwellings* designed and manufactured as multi-section homes.

Section 7-7-4. Dwelling, Multi-Family.

- (A) **Spacing Between Buildings.** The minimum distance between buildings shall be 15 ft.
- (B) **Pedestrian Access.** Pedestrian access shall be provided with a dustless surface to all common area and open space elements, including mail kiosks, parking lots, refuse collection areas, recreational amenities, and to adjoining properties and along public roadways.
- (C) **Roads and Private Pavement.** All roads and private pavement shall have concrete curb and gutter.
- (D) **Screening of Mechanical Equipment and Refuse Collection.** Whether ground-level or rooftop, any refuse collection or mechanical equipment visible from adjacent property or roads shall either be integrated into the architectural treatment of the building or screened from view in accordance with **Article 8, Community Development Standards**, of this Ordinance.
- (E) **Parking.** Outdoor parking areas shall not be located between a public street and principal structures.
- (F) **Guest Parking.** Guest parking spaces/areas as required in **Article 8, Community Development Standards**, of this Ordinance shall be:
 - (1) Provided on the same lot as the *Multi-Family Dwelling*; and
 - (2) Located in a way to be centrally accessible to all buildings/units.

Section 7-7-5. Dwelling, Townhouse.

- (A) **Placement and Setbacks.**

- (1) At least 3 but not more than 8 adjoined townhouse dwellings shall be constructed in a single row.¹⁷
- (2) The total length of any one group of units must not exceed 180 ft.
- (3) No more than 2 abutting units shall have the same front and rear setbacks, with the minimum setback offset being 3 ft.
- (4) Connecting structures and outdoor living space may be so designed as to provide access between front and rear yards.
- (5) Accessory structures may be located in rear yards only, and shall not occupy over 25% thereof, and shall be located not less than 5 ft. from a rear lot line, nor closer than 3 ft. to a side lot line.¹⁸

(B) Architectural Treatment of Townhouses.

- (1) No more than 2 abutting units shall have the same or materially the same architectural treatment of facades and roof lines.¹⁹
- (2) Each unit shall have its own outside entrance.

(C) Vehicular Access. Each townhouse unit shall have direct and unencumbered access to the rear of the property via a private ROW or alley. Individual units shall not have direct access onto a public street.

- (1) All driveways must be separated by a 3 ft. minimum grass strip or landscaped area.

(D) Pedestrian Access. Pedestrian access shall be provided with a dustless surface to all common area elements, including mail kiosks, parking lots, refuse collection areas, recreational amenities, adjoining properties, and along public roadways.

(E) Guest Parking. Any parking areas provided for each townhouse's guests shall be designed in accordance with **Article 8, Community Development Standards**, of this Ordinance.

(F) Roads and Private Pavement. All roads shall have concrete curb, gutter, and sidewalks.

(G) Landscaping and Buffers. Landscaping shall be installed as required in **Article 8, Community Development Standards**, of this Ordinance.

(H) Screening of Mechanical Equipment and Refuse Collection. Whether ground-level or rooftop, any refuse collection or mechanical equipment visible from adjacent property or roads shall either be integrated into the architectural treatment of the building or screened from view in accordance with **Article 8, Community Development Standards**, of this Ordinance.

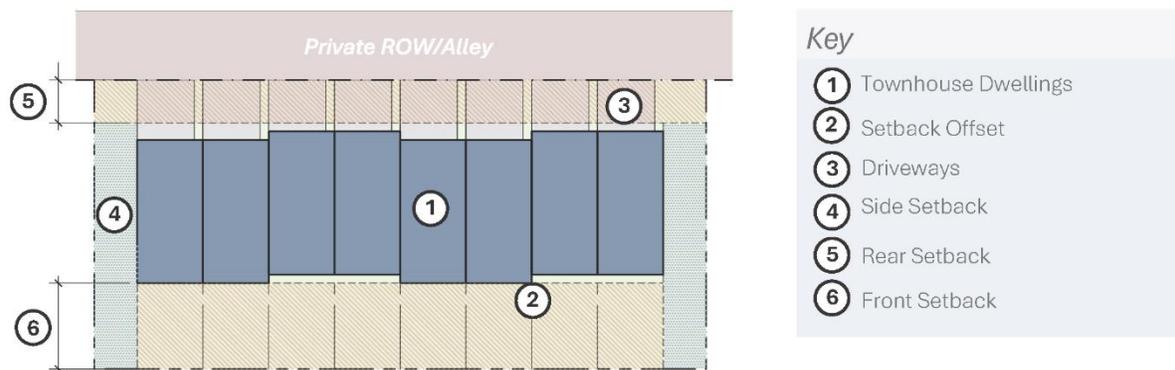
¹⁷ **Editor's Note:** Provision derived from Article 12, Section 5, which currently states 3-12 units continuously connected. Revised to no more than 8 units continuously connected.

¹⁸ **Editor's Note:** Provision retained from Article 12, Section 7. The rear setback for accessory structures has been revised from 8 ft. to 5 ft. from the rear lot line for consistency with general accessory structure setbacks; the 3 ft. setback to the side lot line has been retained for townhouses.

¹⁹ **Editor's Note:** Provision derived from Article 12, Section 5, which currently states no more than 4 units. Revised to 2 units to provide better architectural variation.

- (I) **Stormwater.** Any permanent wet pond stormwater best management practice (BMP) must be designed and developed as a water feature amenity or designed and landscaped in a manner consistent with the surrounding development. Wet ponds must include adequate aeration features for movement of water.
- (J) **Open Space and Amenities.** In any townhouse project resulting in the creation of any open space and amenities thereon, broadly defined, the maintenance and upkeep of such areas and elements must be provided for by an arrangement acceptable to the City and in compliance with this Article or applicable state statutes.

Figure 7-4. Example of Townhouse Dwelling Standards.



Section 7-7-6. Family Health Care Structure, Temporary.

(A) Development Standards.

- (1) All *Temporary Family Health Care Structures* shall comply with the dimensional standards of the underlying zoning district.
- (2) Only one *Temporary Family Health Care Structure* will be allowed on a lot or parcel of land.
- (3) The structure shall be no larger than 300 sq. ft. and must comply with all applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.).

(B) General Standards.

- (1) Any family health care structure shall comply with all applicable requirements of VDH.
- (2) No signage will be permitted on the exterior of the structure or anywhere on the property.
- (3) Any *Temporary Family Health Care Structure* shall be removed within 60 days of the date on which the *Temporary Family Health Care Structure* was last occupied by a mentally or physically impaired family member receiving services or assistance.

Section 7-7-7. Manufactured Home Park.

- (A) **Intent.** These provisions are designed to accommodate manufactured homes in a manufactured home park with open space and recreation requirements to encourage a suitable living environment where rental lots are provided for manufactured homes.
- (B) **Dimensional Standards.** The minimum lot area, minimum road frontage, density, and minimum setbacks for a *Manufactured Home Park* must comply with **Article 4, Primary Zoning Districts**, of this Ordinance.
- (1) Areas within a 100-year floodplain, areas exceeding 15% slope, and areas within a public right-of-way shall not count towards the minimum acreage for the manufactured home park.
- (C) **Screening.** Every *Manufactured Home Park* must be enclosed with an approved fence or landscaped buffer not less than 6 ft. in height and with no openings to adjoining property other than the required entrances and exits to streets or public spaces.
- (D) **Open Space and Recreation.**
- (1) In addition to the standards of **Section 4-5-4(A)(2)** of this Ordinance, each *Manufactured Home Park* shall provide at least 1 recreation area or playground with a minimum area of 4,000 sq. ft. Such area must be used exclusively for active recreational purposes.
- (2) An additional 200 sq. ft. of open space shall be provided for every unit over 20 units.
- (E) **Lot Standards.**
- (1) Each manufactured home site shall be graded to provide positive drainage away from the manufactured home site at a minimum gradient of one-half of one percent.
- (2) All manufactured home lots shall be provided with a manufactured home stand so designed to provide adequate support of the maximum anticipated loads during all seasons.
- (3) All manufactured home lots shall provide for the practical placement of a manufactured home and its appurtenant structures in such a manner that such manufactured homes comply fully with all requirements of this Ordinance.
- (F) **Streets.**
- (1) The design and construction of all interior streets must conform and be constructed to VDOT specifications.
- (2) The internal street improvements must extend continuously from the existing improved street system to provide suitable access to manufactured homes, to provide adequate connections to the existing or future streets at the boundaries of the property, and to provide convenient circulation of vehicles with origins or destinations on the property.
- (G) **Utilities.**

- (1) **Water and Sewer.** All manufactured parks must require connection to public water and sewer; all manufactured homes within a *Manufactured Home Park* will be required to hook up to such system.
- (2) **Refuse.** An acceptable garbage and refuse collection program and temporary storage system shall be provided, with such program and physical system subject to final plan approval.
 - (i) The accepted garbage and refuse collection program will be the responsibility of the *Manufactured Home Park* owner/operator.
 - (ii) Each manufactured home lot must be provided with at least 1 garbage or trash container.

(H) **Maintenance.**

- (1) The owner shall maintain all internal streets within each *Manufactured Home Park* to ensure that such streets remain unobstructed and in suitable condition for the passage of tenants, visitors, and public safety vehicles.
- (2) Recreation and open areas designed for common use shall be maintained by the owner of each park to ensure that such areas present a tidy appearance and do not offer refuge for rodents and other pests.

Section 7-7-8. Short-Term Rental.²⁰

(A) **Registry.**

- (1) Prior to utilizing any dwelling unit for short-term rental, a short-term rental operator shall apply to be registered by the Zoning Administrator who shall review the application for conformance with this article. Registrations shall be recertified yearly no later than January 31.
- (2) The registration form shall include the following information:
 - (i) The name, telephone number, address, and email address of the short-term rental operator;
 - (ii) If the property shares a common wall or common driveway with another property owner, proof of written notification to such property owner(s);
 - (iii) The designation of a responsible party who will be available 24 hours a day, seven (7) days a week, to respond to and resolve issues and complaints that arise during the period of time in which the dwelling is being used for short-term rental;
 - (iv) Certification that the short-term rental unit meets the requirements of this article and, as part of the registration, the operator is agreeing to permit inspections of the home

²⁰ **Editor's Note:** These standards are retained verbatim from the zoning text amendment adopted by City Council in June 2025, but have been reorganized to match the structure of the updated Ordinance.

(at reasonable times and after notice has been provided) to address complaints. Failure to permit such an inspection is grounds for registration suspension; and

- (v) Proof of commercial general liability in a coverage amount of at least one million dollars (\$1,000,000.00).
- (3) Registration is not required for persons who are:
 - (i) Licensed by the Real Estate Board or a property owner who is represented by a real estate licensee;
 - (ii) Registered pursuant to the Virginia Real Estate Time-Share Act (§ 55.1-2200);
 - (iii) Licenses or registered with VDH, related to the provision of room or space for lodging; or
 - (iv) Licensed or registered with the locality, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.
- (4) An operator's failure to register a short-term rental property prior to use shall result in a registration fee of \$500 as a penalty. Until the operator has completed registration, including payment of the registration fee, the property shall not be offered for short-term rental.
- (5) The owner or manager of any property actively providing room or space for dwelling, sleeping, or lodging purposes for fewer than 30 consecutive days in exchange for a charge at the time of adoption of the article may register the property by no later than October 1, 2025, without incurring the penalty fee outlined in (4), above.

(B) Occupation by Property Owner.

- (1) A short-term rental unit shall be located within the property owner's primary residence. Where the property owner is a legal person but not an individual, the short-term rental unit shall be located within the primary residence of the individual who manages the day-to-day operations of the owner, or who is a trustee or a beneficiary of the owner if the owner is a trust.
- (2) A SUP in accordance with **Article 3, Permits and Applications**, of this Ordinance shall be required for any short-term rental use wherein the short-term rental operator does not own and occupy the property as their primary residence unless such property actively provided room or space for dwelling, sleeping, or lodging purposes for fewer than 30 consecutive days in exchange for a charge at the time of adoption of the article and provided the property is registered in accordance with (A), above, prior to October 1, 2025.
- (3) For purposes of this section, whether a dwelling unit is a property owner's or a qualifying individual's primary residence shall be determined by the records of the Virginia Department of Motor Vehicles or the Office of the Registrar of the City current as of the date of application to operate a short-term rental on such lot.

(C) Safety.

- (1) Each short-term rental operator shall provide to the Zoning Administrator and conspicuously post within the short-term rental a floor plan of the layout of the dwelling unit, on which floor plan the short-term rental operator shall label the following:
 - (i) The use of each room;
 - (ii) The occupancy level of sleeping rooms and cooking facilities;
 - (iii) The location and size of emergency egress and rescue openings; and
 - (iv) The location of fire and carbon monoxide detectors.
- (2) Smoke detectors, fire extinguishers, and carbon monoxide detectors shall be present and functional in compliance with the current edition of the USBC.
- (3) The name and telephone number of the responsible party shall be conspicuously posted within the short-term rental unit.

(D) **General Use Standards.** Short-term rental uses shall adhere to the following:

- (1) Lodging accommodations shall be limited to primary structures;
- (2) The principal short-term renter shall be at least 18 years of age;
- (3) The number of overnight guests during a short-term rental shall not exceed the maximum number of occupants that would otherwise be permitted to reside in the dwelling by the Zoning Ordinance. The total occupant load of the dwelling at any one time during the rental shall not exceed 6 unrelated adults;
- (4) No short-term rental operator shall agree to more than one booking transaction during the same period that results in reservations for two or more separately-booked short-term renters to occupy the same short-term rental at the same time;
- (5) No recreational vehicles, buses, or trailers shall be parked on the adjoining street or visible on the property in conjunction with the short-term rental use;
- (6) No signage may be placed on the exterior of a dwelling in conjunction with the short-term rental use;
- (7) The dates for trash and recycling collection shall be posted prominently within the short-term rental unit. Short term rental operators and/or renters shall be responsible for management of waste in accordance with Chapter 94, Solid Waste of the City Code;
- (8) No food shall be prepared for or served to guests by the property owner or short-term rental operator; and
- (9) No short-term rental operator shall offer, provide, advertise or permit use of a dwelling unit for any commercial use that is prohibited by law.

(E) **Short-Term Rental of Multi-Family Dwelling Units.**

- (1) For multi-family dwellings, a maximum of 10 or 1/3 of the dwelling units, whichever is lesser, on a lot shall be registered for short-term rental use unless the dwelling units used

for such short-term rental are registered in accordance with (A), above, prior to October 1, 2025.

(F) Revocation of Short-Term Rental Registration.

- (1) Registration approval for a short-term rental use can be revoked by the Zoning Administrator for the following reasons:
 - (i) Failure to collect and/or remit any required taxes or to register and maintain a business license for the short-term rental use;
 - (ii) Three (3) or more substantiated claims of failure to maintain compliance with any of the regulations set forth in this article within a 12 month period; and
 - (iii) The failure to abide by any other regulations set forth in the Zoning Ordinance or City Code.
- (2) Before any revocation is made effective, the Zoning Administrator shall give written notice to the short-term rental operator. The notice shall be sent by certified mail and a copy of the notice shall be posted in a conspicuous place on the premises. The notice shall contain:
 - (i) A description of the violation(s) constituting the basis of the revocation;
 - (ii) If applicable, a statement of acts necessary to correct the violation(s); and
 - (iii) A statement that if no request for appeal is made within 30 days from the date of the notice, the registration will be revoked.
- (3) A short-term rental operator whose registration has been revoked pursuant to this section shall not be eligible to re-register for a short-term rental use for the remaining portion of the calendar year in which the registration is revoked, and for the entire succeeding calendar year. If a registration is reinstated and subsequently revoked for the same property, the Zoning Administrator may prohibit any subsequent registration of that property.

(G) Petition for Review of Decision by Zoning Administrator.

- (1) Any short-term rental operator who is aggrieved by a decision of the Zoning Administrator to revoke registration approval may petition the BZA for review of such decision pursuant to the provisions of **Article 3, Permits and Applications**, of this Ordinance within thirty days of the notice given by the Zoning Administrator.

Division 8. Miscellaneous Use Standards.

Section 7-8-1. Amateur Radio Antenna.²¹

Amateur radio towers shall be permitted pursuant to Code of Virginia § 15.2-2293.1.

²¹ **Editor's Note:** Per staff direction, standards for amateur radio towers will be pursuant to the applicable state code.

Section 7-8-2. Aviation Facility.

(A) **Use Permissions.**

- (1) *Aviation Facilities* shall be permitted as an accessory use to *Casino Gaming Establishments* within the ERC District, provided that such facilities are limited to rooftop helipads and are constructed and operated in full compliance with all applicable state and federal aviation regulations.

Section 7-8-3. Construction Temporary Uses.

- (A) **Intent.** *Construction Temporary Uses* are intended for administration offices, storage facilities, and/or portable toilet facilities used during construction on a site.

(B) **General Standards.**

- (1) *Construction Temporary Uses* shall have the name of the construction company printed on a maximum of 4 ft. by 8 ft. sign permanently affixed on the outside of the building.
- (2) *Construction Temporary Uses* shall meet all requirements of the USBC, including tie down requirements for mobile structures.
- (3) Structures containing toilet facilities shall:
 - (i) Have a contract for sewage pump-out or exchange;
 - (ii) Shall be strapped down; and
 - (iii) Shall have means of pollution prevention, in accordance with City stormwater regulations.
- (4) Any construction temporary use shall be removed within 30 days of the date on which the permanent structure's construction is complete and a final approval or Certificate of Occupancy is issued, or an associated bond is released.

- (C) **Setbacks.** *Construction Temporary Uses*, excluding portable toilet facilities, may be located within required setbacks, provided that the location does not constitute a safety hazard to the public or a nuisance to surrounding properties.

Section 7-8-4. Mixed-Use Structures.²²

(A) **Mixed-Use Structure, Commercial/Industrial.**

- (1) Commercial and industrial uses may be horizontally mixed or vertically mixed.
- (2) Commercial uses, including individual commercial uses, and showrooms or offices related to onsite industrial uses, must occupy the ground-floor street frontage with a depth of at least 30% of the building's depth.

²² **Editor's Note:** Standards for mixed use structures have been added per discussion with staff.

- (i) The required commercial depth must be measured as usable floor area unencumbered by loading, mechanical, or storage areas.
- (ii) Commercial frontage must incorporate storefront design elements with clearly marked public entrances.
- (3) Industrial uses must occupy the rear portion of the building, up to 70% of the building's depth, and/or be located on upper floors.
- (4) Loading areas and service bays for industrial uses must be located on the side or rear of the building.

(B) Mixed-Use Structure, Commercial/Residential.

(1) Applicable Districts except RB.

- (i) Commercial and residential uses shall be vertically mixed.
- (ii) Commercial uses must occupy the entire ground-floor street frontage. Limited breaks in the commercial frontage may be permitted for entrance lobbies, stair/elevator access, mailbox areas, and similar service areas serving upper-story residential uses.
- (iii) With the exception of residential lobbies and access areas as stated in (B)(1)(ii), above, residential units and associated resident spaces, such as storage areas or amenity rooms that are for the exclusive use of residents and their guests, are not permitted on the ground floor.
- (iv) The maximum number of units shall be the gross floor area of non-commercial floors divided by 700 sq. ft. per unit, unless a different average unit size is approved by the Zoning Administrator. The non-commercial gross floor area shall not include non-habitable spaces such as hallways, stairs, elevators, storage rooms, mechanical rooms, and shared amenity facilities.

(2) RB District.

- (i) Commercial and residential uses shall be vertically mixed in structures of two stories or greater in accordance with (B)(1), above.
- (ii) Commercial and residential uses in the RB District may be horizontally mixed in one-story structures, provided:
 - (a) The primary street-facing portion of the building shall be occupied by an *Office, General* use.
 - (b) The residential use shall be subordinate to the commercial use and shall not exceed 50% of the building's gross floor area.
 - (c) The residential use's primary entrance(s) shall be located to the rear or side of the building and shall not front on the principal façade.
 - (d) The residential use does not comprise greater than 50% of the building's gross floor area.

- (e) Parking for commercial and residential uses may be shared, provided the minimum parking requirements of Article 8, Community Development Standards, are met.

Section 7-8-5. Parking Lot, Recreational Vehicle Storage.

(A) **General Standards.**

- (1) *Recreational Vehicle Storage Parking Lots* are intended for recreational vehicles and watercraft only.
- (2) Spaces may be rented for parking and/or storing recreational vehicles, but no other business of any kind must be conducted in the structure.
- (3) No service or repair work will be permitted in association with the parking facility except under emergency service work.
- (4) Outdoor storage of inoperable recreational vehicles or equipment is prohibited.

- (B) **Design.** To retain all recreational vehicles and watercraft completely within the parking lot, a rail, fence, wall, or other continuous barricade at least 6 ft. tall shall be provided except at exit or access driveways.

- (C) **Screening.** Screening must be provided in accordance with Article 8, Community Development Standards, of this Ordinance on each side of the parking lot which:

- (1) Abuts upon any residential district or use; or
- (2) Faces across a street, alley, or place from any lot in a residential district or use.

ARTICLE 8. Community Development Standards.

Division 1. General.

Section 8-1-1. Applicability.

The standards of this Article shall apply to all Zoning Districts except for the ERC District, unless otherwise noted.¹

Section 8-1-2. Compliance Thresholds for Site Improvements.²

- (A) For existing developed sites proposing building alterations or site improvements, the extent of required conformance with the standards of this Article shall be determined based on the scope of work, in accordance with the thresholds set forth below.
- (B) **Building Frontage Improvements.** Where a building façade is modified, expanded, or reconstructed:
- (1) The adjacent sidewalk or streetscape shall comply with applicable frontage and pedestrian access standards of this Ordinance.
 - (2) The impacted façade(s) shall be in conformance with **Division 2, Building and Architectural Standards**, of this Article.
- (C) **Parking Areas.** Where more than 10% of the total on-site parking area is newly constructed, reconfigured, or repaved (excluding routine maintenance such as sealing or striping), the affected portion of the parking area shall be brought into conformance with **Division 8, Access and Parking**, of this Article.
- (1) Where more than 50% of the parking area is affected, the entire parking area shall be brought into compliance to the maximum extent practicable, as determined by the Zoning Administrator.
- (D) **Perimeter and Transitional Areas.** Where improvements occur within ten 10 ft. of a property line, required landscape buffers, fencing, or screening along the affected property line shall be brought into conformance.
- (1) Any modifications that expose or alter views to adjacent uses, as determined at the property line, shall trigger conformance with **Division 6, Transitions and Screening**, of this Article along the affected property line.
- (E) **Access and Connectivity.** Where pedestrian routes, driveways, or loading areas are altered:

¹ **Editor's Note:** This provision has been added so that the standards of Article 8 will not apply directly to ERC. Development standards for ERC are located in **Article 4, Section 4-6-5**.

² **Editor's Note:** Compliance thresholds have been introduced for site modifications. Based on staff input, the standards now distinguish between minor and major site changes. Smaller modifications are required to bring only the portions of the site most directly affected into compliance, while larger site changes may trigger broader compliance with Article 8 standards. This approach ensures proportional application of requirements based on the scale of development activity.

(1) The affected areas shall comply with **Division 3, Pedestrian and Bicycle Accommodations** and/or **Division 8, Access and Parking**, of this Article.

(F) Projects that result in land disturbance of more than 2,500 sq. ft. or building expansions of 25% or more of the total floor area shall bring the entire site into conformance with this Article.

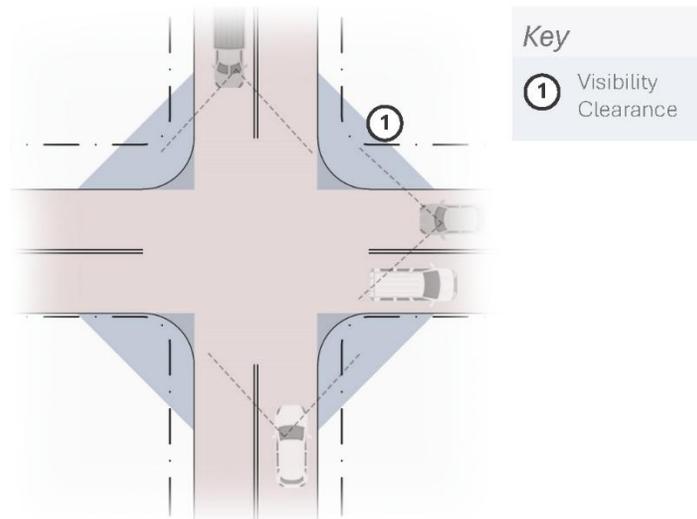
Section 8-1-3. Visibility Clearance.

(A) For protection against traffic hazards, no planting, sign, structure, or other impediment to visibility greater than 3 ft. in height shall be erected, placed, allowed to grow, or maintained within a visibility triangle on any corner lot.

(1) Where a required BTZ or minimum building setback would otherwise allow a structure within the visibility triangle, the visibility clearance standard shall prevail. Buildings and other permanent structures shall not be located within the visibility triangle defined in this section, even if the BTZ is 0 ft.

(B) The apex of the triangle shall be at the intersection of designated ROW lines (extended in the case of rounded corners), the sides being 20 ft. in length along the ROW lines, and the base of the triangle running through the lot.

Figure 8-1. Visibility Clearance.



Division 2. Building and Architectural Standards.³

Section 8-2-1. Purpose and Intent.

(A) The purpose of this Division is to ensure high-quality, context-sensitive building design that contributes to a visually cohesive and human-scaled built environment. These standards are intended to:

³ Editor's Note: All content in Division 2 is newly introduced.

- (1) Ensure compatibility of new and infill development with the scale, character, and materials of the surrounding area;
- (2) Provide standards for façade design, architectural materials, and building height transitions;
- (3) Enhance public safety, comfort, and visual interest within the public realm.

Section 8-2-2. Applicability.

(A) Building and architectural standards shall apply to:

- (1) All new principal structures; and
- (2) Building additions or expansions.
 - (i) For building additions or expansions, the standards of this Division shall apply only to new or affected areas of the building.

(B) The following shall be exempted from the provisions of this Division:⁴

- (1) Existing or new buildings and structures located in the A, Agricultural, District;
- (2) Existing buildings and structures located within a historic district that are subject to **Article 5, Overlay Districts**, of this Ordinance; and
- (3) Any building or structure designated on the Virginia Landmarks Register or National Register of Historic Places.

Section 8-2-3. General Standards.

(A) All principal structures shall be erected on a permanent foundation and connected to public utilities.

- (1) Residential structures in the A District may utilize private well and onsite sewage disposal systems as approved by the Virginia Department of Health only if public water/sewer connections are not available, as determined by the Department of Public Works.

(B) All principal structures shall be oriented toward a public ROW or pedestrian accommodation.

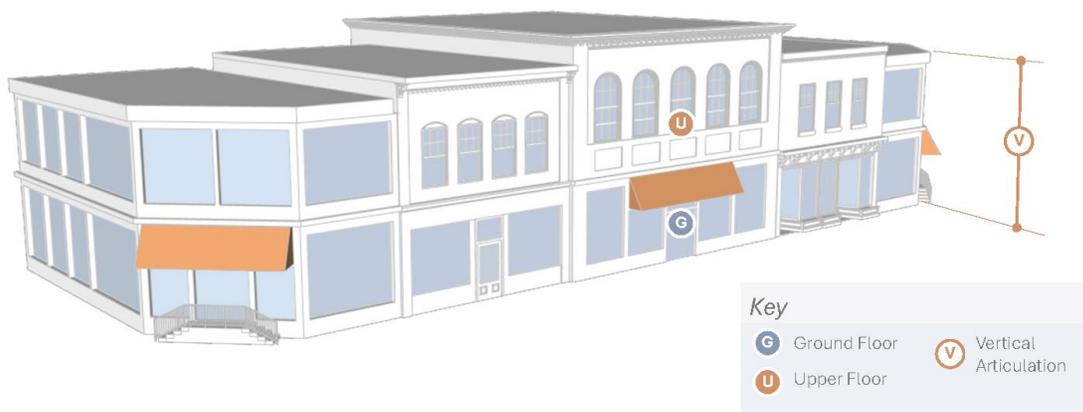
- (1) Exceptions are permitted at the discretion of the Zoning Administrator for developments where the site design includes an internal drive, shared courtyard, or similar privately maintained feature or open space that functions as the primary frontage and principal point of access for the building, including but not limited to cottage courts and townhouse developments.

⁴ **Editor's Note:** To avoid conflicts with historic buildings, the provisions of Division 2 do not apply to buildings that are included in local historic district overlays or historic registers. The A District is also exempt to avoid conflicts with agricultural buildings and agritourism-related uses in the less developed areas of the City.

Section 8-2-4. Façade Requirements.

- (A) **Façade Articulation.** Any street-facing façade wider than 50 ft. shall incorporate vertical articulation at regular intervals to reduce perceived building mass. Permitted features include:
- (1) Projecting bays;
 - (2) Recessed entries or window groupings;
 - (3) Material or color changes;
 - (4) Pilasters or expression lines;
 - (5) Offsets in rooflines or wall planes; or
 - (6) An alternative articulation feature that achieves a comparable level of architectural interest, as determined by the Zoning Administrator.

Figure 8-2. Façade Requirements.



- (B) **Prohibited Materials.** The following materials are prohibited on any street-facing façade:
- (1) Corrugated metal;
 - (2) Unfinished or painted concrete masonry units;
 - (3) Reflective or mirrored glass;
 - (4) Exterior insulation finishing systems under 10 ft. above grade; and
 - (5) Faux stone veneers under 4 ft. above grade.

Section 8-2-5. Transparency.

- (A) **Applicability.** Transparency requirements in **Table 8-1** shall apply to façades facing a ROW, pedestrian accommodation, or open space.
- (1) Determination of use type shall be as specified in **Article 6, Use Matrix**, of this Ordinance.

Table 8-1. Transparency Requirements

STORY	MIXED USE DISTRICTS, COMMERCIAL USES IN ANY DISTRICT	INDUSTRIAL USES IN ANY DISTRICT
Ground Story	50%	15%
Upper Story(ies)	20%	15%

(B) Measurement of transparency.

- (1) Ground floor transparency is calculated based on the total facade area located between 2 ft. and 10 ft. above the finished ground floor level.
- (2) Upper floor transparency is calculated based on the total facade area located between the surface of any floor to the surface of the floor above it or, if there is no floor above, from the surface of the floor to the top of the wall plate.

Section 8-2-6. Building Step-Backs.

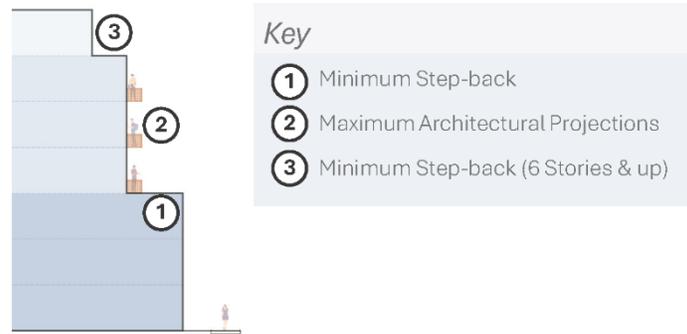
(A) General.

- (1) Step-backs shall apply to all new buildings or vertical additions that result in a total building height of 4 stories or more.
 - (i) Lots with a width of less than 50 ft. may be exempt from step-back requirements if compliance would significantly constrain floor area or structural design, as determined by the Zoning Administrator.
- (2) Step-backs shall be measured horizontally from the edge of the street-facing façade of the story directly below.
- (3) Architectural projections such as balconies, roof overhangs, or railings may extend into the required step-back area by no more than 3 ft.

(B) Step-Back Requirements.

- (1) A minimum step-back of 10 ft. shall be provided above the third story on all street-facing facades.
- (2) When a building exceeds 6 stories, a second step-back of at least 6 ft. shall be provided above the sixth story, and for every 3 stories thereafter.

Figure 8-3. Building Step-Backs.



Section 8-2-7. Residential Infill.

- (A) Residential infill within established neighborhoods shall be consistent in height, width, façade materials, and overall design with the prevailing forms and materials of nearby residential buildings within 400 ft. along the same street.
 - (1) For the purposes of this Section, an established neighborhood shall mean a block face where at least 50% of the lots are developed with residential structures at the time of application.
 - (2) For the purposes of this Section, similar height and width shall mean within 15% of the average height and width of existing principal residential structures.
- (B) When principal structures on adjoining lots to the side or rear are single-story, new buildings shall not exceed 2 stories in height unless:
 - (1) A step-back of at least 10 ft. is provided above the second story, as measured horizontally from the edge of the floor directly below; and/or
- (C) In the event of a conflict between the standards of this Section and the prevailing built context, the Zoning Administrator may modify or waive specific requirements to allow the existing neighborhood context to control, provided such modification supports compatibility with the surrounding development pattern.

Division 3. Pedestrian and Bicycle Accommodations.

Section 8-3-1. Purpose and Intent.

- (A) The purpose of the pedestrian and bicycle accommodations standards is to create safe, attractive, and pedestrian-friendly environments along public and private streets. These standards are intended to:
 - (1) Provide safe, multimodal access for pedestrians, cyclists, and vehicles;
 - (2) Establish standards to buffer sidewalks from vehicle travel lanes for aesthetic and safety purposes; and

- (3) Implement the transportation-focused goals of the City of Petersburg Comprehensive Plan.

Section 8-3-2. Applicability.

- (A) The standards of this Division shall apply to any project that proposes:
 - (1) The creation of a new street;
 - (2) The extension or reconstruction of an existing street;
 - (3) The construction of new buildings or parking areas; or
 - (4) The expansion of existing buildings by least 1,000 sq. ft. of new floor area or site modifications disturbing more than 2,500 sq. ft. of land.
- (B) Where existing development does not conform to the standards of this Division, minor improvements, defined as building additions less than 1,000 sq. ft. or site modifications disturbing less than 2,500 sq. ft., shall only be required to meet these standards in the areas directly affected by the improvement.
- (C) Existing streets serving existing development may continue in their current configuration, but shall not be extended or except in conformance with this Division.
- (D) **Exceptions.** Exceptions may be granted by the Zoning Administrator where a pedestrian or bicycle accommodation:
 - (1) Would conflict with a planned transportation infrastructure project;
 - (2) Would create an unsafe transportation network; and/or
 - (3) Already exists on or adjacent to the development site.

Section 8-3-3. General Standards.

- (A) **Sidewalks.** Sidewalks or shared use paths shall be required along both sides of all streets in accordance with **Section 8-3-4**, below.
- (B) **Proposed Bikeways Network Map.** In addition to sidewalks, bicycle accommodations shall be required for the subject property(ies) along all streets identified on the Proposed Bikeways Network Map in the adopted Comprehensive Plan.
 - (1) Where the Proposed Bikeways Network Map calls for a shared use path, the shared use path shall be provided in place of a sidewalk.
- (C) **Interconnectivity Internal to a Parcel.** Pedestrian accommodations shall be required between parking areas, buildings, and public areas for residential, commercial, and office development sites. Pedestrian accommodation internal to a development shall link with any existing or master planned pedestrian accommodation along an abutting road external to the development and any existing public transit stops on or adjacent to a parcel in the development.
- (D) **Interconnectivity Between Parcels.** Pedestrian and bicycle accommodations shall be required between residential developments and schools, parks, and recreational facilities within one-half (0.5) mile.

- (1) The property owner shall provide a connection internal to the development to the property line with the adjoining facility.
 - (i) This requirement may be waived by the Zoning Administrator if a significant obstruction exists (such as wetlands, slopes exceeding 25% gradient, and guardrails) that would make a connection impracticable.
- (E) **Materials.** Pedestrian and bicycle accommodations shall be surfaced with durable, ADA-compliant materials. Surfaces shall be sufficiently smooth to support use by pedestrians, strollers, and bicycles while allowing visual contrast for crossings.

Section 8-3-4. Pedestrian Zones Established.

- (A) Pedestrian accommodations shall be located on both sides along all streets, and shall consist of 2 zones:
 - (1) **Street Buffer Zone.** The Street Buffer Zone is the area between the edge of street pavement or curb and the Pedestrian Travel Zone. The Street Buffer Zone serves as a visual and safety buffer between the sidewalk and vehicle travel lanes.
 - (2) **Pedestrian Travel Zone.** The Pedestrian Travel Zone is the sidewalk area between the Street Buffer Zone and the property line of the adjacent parcel.

Section 8-3-5. Pedestrian Zone Standards.

(A) Street Buffer Zone.

- (1) Street Buffer Zones may include:
 - (i) Street trees in accordance with the planting and spacing standards of **Chapter X, Tree Protection**, of the City Code.
 - (ii) Shrubs and/or ground cover planted in accordance with **Division 5, Landscaping**, of this Article.
 - (iii) Additional features and appurtenances, subject to approval by the Director of Public Works, including but not limited to:
 - (a) Public transit shelters, benches, waste receptacles, bicycle racks, and mailboxes;
 - (b) Utility lines and poles, utility boxes and meters, manholes, regulatory signs, and fire hydrants;
 - (c) Pedestrian and street lighting; and
 - (d) Stormwater infrastructure.
- (2) All elements in the Street Buffer Zone shall adhere to the visibility clearance requirements of **Section 8-1-3**, above.

(B) Pedestrian Travel Zone.

- (1) A sidewalk is required in the Pedestrian Travel Zone unless a shared use path or other accommodation is required on the Comprehensive Plan's Bikeways Network Map.
 - (i) Sidewalks shall have a minimum width of 5 ft.
 - (ii) Shared use paths shall have a minimum width of 8 ft.
 - (iii) Where the public ROW does not provide adequate space for the required Pedestrian Travel Zone, the required width shall be provided on private property through a recorded permanent public access easement.
- (2) Utility poles, streetlights, fire hydrants, and similar appurtenances that obstruct pedestrian movement shall not be located in the Pedestrian Travel Zone.
 - (i) Temporary obstructions for construction or maintenance must be minimized and signed to provide a clear, accessible detour route.
- (3) The maximum cross-slope shall not exceed 2% in any direction.

Section 8-3-6. Bicycle Accommodations.

- (A) In addition to pedestrian accommodations, bicycle accommodations shall be provided as designated on the Bikeways Network Map.
- (1) Bike lanes shall have a minimum width of:
 - (i) Five (5) ft. on streets that do not exceed speeds of 45 m.p.h.; or
 - (ii) Seven (7) ft. on streets that exceed 45 m.p.h.
 - (2) Where protected bike lanes are designated on the Bikeways Network Map, the protection buffer shall be at least 2 ft.
 - (i) The protection buffer shall physically separate the bike lane from vehicle travel lanes with vegetation, on-street parking, bollards, or other physical barrier.
 - (ii) Where physical barriers may be impracticable, the Director of Public works may approve painted striping between the bike lane and vehicle travel lane.

Section 8-3-7. Waivers and Modifications.

- (A) **Waivers and Modifications.** The Zoning Administrator may modify or waive the requirements of this Division. A request to modify or waive the requirements of this Division shall be made prior to or with the submittal of a Site Plan or Preliminary Plat, and shall include a written statement of the justification of the request. In reviewing a request, the Zoning Administrator must consider each of the following criteria, as applicable:
- (1) Whether sidewalks on only one side of the street may be appropriate due to environmental constraints such as streams, stream buffers, critical slopes, floodplain, tree cover, or wetlands, or because lots are provided on only one side of the street;
 - (2) Whether the sidewalks can connect into an existing or planned future pedestrian system in the area;

- (3) Whether an alternate pedestrian system, including an alternative pavement, could provide more appropriate access through the project and to adjoining lots, based on a proposed alternative profile submitted by the project developer;
 - (4) Whether the sidewalks would be publicly or privately maintained; and
 - (5) Whether the waiver promotes the goals of the Comprehensive Plan.
- (B) **Existing Pedestrian and Bicycle Accommodations.** Where new pedestrian and bicycle accommodations are required adjacent to existing sidewalks, paths, or lanes, the Zoning Administrator may approve alternate widths to match the existing infrastructure, provided that all improvements are ADA-compliant.

Division 4. Outdoor Amenity and Open Space.⁵

Section 8-4-1. Purpose and Intent.

- (A) The standards in this Division are intended to ensure that outdoor amenity and open space is provided in a manner that:
- (1) Enhances the comfort, usability, and attractiveness of private and public spaces;
 - (2) Supports opportunities for active and passive outdoor recreation;
 - (3) Reinforces walkable, pedestrian-oriented site design;
 - (4) Provides civic and meeting spaces for use by the public; and
 - (5) Promotes public health, well-being, and accessibility through intentional site design.

Section 8-4-2. Applicability.

- (A) Outdoor amenity and open space shall be provided for all new development subject to a Site Plan or Major Subdivision review, unless the calculated requirement is less than 400 sq. ft.
- (1) For Major Subdivisions, the required outdoor amenity and open space shall be calculated based on the total area of the development site, not on a lot-by-lot basis.

Section 8-4-3. Minimum Outdoor Amenity and Open Space Requirements.

- (A) The amount of outdoor amenity and open space required shall be determined by multiplying the total lot area by the percentage required in the applicable zoning district as shown in [Table 8-2](#). Areas that exceed the minimum dimensional and design standards may be credited toward this requirement according to the space type.

⁵ **Editor's Note:** Open space requirements are new additions to the Zoning Ordinance. They are intended to provide reasonable guidelines for recreation and preservation, while allowing developers and property owners flexibility and creativity in how and where they choose to provide these opportunities.

Table 8-2. Minimum Open Space Required

DISTRICT	MINIMUM OUTDOOR AMENITY AND OPEN SPACE REQUIRED	MINIMUM % OF OPEN SPACE DEDICATED TO ACTIVE RECREATION ⁶
A R-1A R-1 R-2 R-3 RTH RMH PUD	15%	10%
R-4 R-5 R-6 RB MXD-1 MXD-2 MXD-3	10%	10%
B-1 B-2 B-3	10%	None

Section 8-4-4. Outdoor Amenity and Open Space Standards.

(A) **General Standards.**

- (1) Outdoor amenity and open spaces must be open to the sky or partially roofed, with no permanent enclosures exceeding 25% of the space.
- (2) Each area shall have a minimum contiguous size of 400 sq. ft. and a minimum length or width of 10 ft.
- (3) Such space shall not be located in areas used for required transitional screening buffers.
- (4) Outdoor amenity and open space shall be classified as one of the following types:
 - (i) Private outdoor amenity and open space; or
 - (ii) Public outdoor amenity and open space.
- (5) Mechanical or utility equipment shall not be located within the required space or between the required space and any building façade.
- (6) A minimum percentage of the required open space, as specified by **Table 8-2**, shall be used for active recreation. The remaining required open space may consist of passive recreation

⁶ **Editor’s Note:** Per discussion with staff, a portion of open space required for active recreation (vs. passive recreation or non-recreation space such as a courtyard) has been provided.

areas, preserved natural open space, or hardscaped spaces such as courtyards, rooftop terraces, or similar non-recreational amenities.

(B) Private Outdoor Amenity and Open Space.

- (1) Private outdoor amenity and open space shall generally be for the use of residents, employees, owners, or patrons of a development and their guests, and does not guarantee access to the general public. Examples include but are not limited to rooftop terraces, interior courtyards, pool decks, or private neighborhood amenities.
- (2) The required space shall be made available to all residents, employees, owners, or patrons during regular building hours.

(C) Public Outdoor Amenity and Open Space.

- (1) Public outdoor amenity and open space shall be designed to be visible and accessible to the general public. Examples include but are not limited to public plazas, parks, and pocket parks.
- (2) A minimum of 25% of the perimeter of the space shall abut and provide direct access to a public sidewalk.
- (3) No more than 40% of the frontage of the space may be obstructed by structures, except that fences or walls up to 3.5 ft. in height may be permitted, in accordance with **Division 7, Fences and Walls**, of this Article.
- (4) The finished grade or floor elevation of the space shall conform to the minimum and maximum elevation standards applicable to the adjacent sidewalk or street frontage.
- (5) A minimum of 20% of the total area of the space shall consist of landscaped planting areas that meet the requirements of **Division 5, Landscaping**, of this Article.

Figure 8-4. Examples of Open Space.



Section 8-4-5. Modifications and Waivers.

In cases where physical site constraints or urban context limit the feasibility of providing outdoor active recreation areas, the Zoning Administrator may approve a modification to the active recreation requirement if an equivalent amount of indoor amenity space, such as a gym, indoor playground, or pool is provided in lieu. Indoor amenity space shall be fully enclosed and climate controlled. This modification applies only to the active recreation portion of the outdoor amenity and open space requirement and does not waive the remaining outdoor amenity and open space requirement.

Division 5. Landscaping.

Section 8-5-1. Purpose and Intent.

- (A) The purpose of this Division is to establish standards for landscape architecture, site design, site buffering, and landscape screening. With the intent of preserving and promoting the health, safety, and general welfare of the City, this Division is further intended to:
- (1) Preserve and enhance the aesthetic character and visual harmony of the City;
 - (2) Protect the quality of the City’s natural rivers, streams, and wetlands;
 - (3) Enhance erosion control;
 - (4) Improve the relationship between adjacent properties through screening, buffering, and proper placement and design of landscaping and screening;
 - (5) Promote economic development in the City’s commercial districts and main thoroughfares; and
 - (6) Ensure the safety, security, and privacy of properties.

Section 8-5-2. Applicability.

- (A) **General.** The requirements of this Division shall apply to:
- (1) New construction or redevelopments in all zoning districts requiring an approved Site Plan in accordance with **Article 3** of this Ordinance, or a Major Subdivision Plat in accordance with **Article 10** of this Ordinance;
 - (2) Alterations to existing buildings and structures that result in a net change of 10% or more of the total floor area; and
 - (3) Alterations to existing parking areas that result in a net change of 10% or more in parking spaces.
- (B) **Exemptions.** The following are exempted from the landscaping and screening standards of this Article, provided they are not part of a major subdivision or planned development.
- (1) *Agricultural Operation;*
 - (2) *Agritourism;*

- (3) *Silvicultural Operation;*
- (4) *Dwelling, Single Family;*
- (5) *Dwelling, Duplex; and*
- (6) *Dwelling, Triplex or Quadplex.*

Section 8-5-3. Administration.⁷

- (A) **Landscape Plan Required.** A Landscaping Plan shall be required for all new construction, development, or redevelopment in all zoning districts requiring an approved Site Plan, or SUP specified by the Ordinance. The Landscaping Plan shall:
- (1) Be prepared and/or certified by a certified professional or firm qualified to create such a plan.
 - (2) Cover the entire project area included in the overall Site Plan or development plan for which approval is sought.
- (B) **Landscape Plan Contents.** The Landscaping Plan shall include:
- (1) Location, species, size, height, and number of all proposed plantings;
 - (2) Planting specifications or installation details with consideration of the appropriateness of plants and locations for the specific characteristics of the site and the purpose for installation;
 - (3) Information about the general location, composition, and extent of existing vegetation (plants, trees, shrubs, etc.) to be retained during construction, as well as protection measures to be implemented during construction;
 - (i) The information shall include the successional stage of the vegetation, a list of the primary tree species, a list of the prominent non-native invasive species, and a statement regarding the general age, health, and condition of the vegetation.
 - (4) Location, size, and other related design details for all hardscape improvements, ground-mounted signage, recreational improvements, and open space areas, fences, walls, barriers, and other related elements;
 - (5) Designation of required setbacks, yards, and screening areas; and
 - (6) Location of other man-made site features, parking lots, overhead structures, and underground utilities to ensure that landscape materials will not be in conflict with the placement and operation of these improvements.
- (C) **Timing of Review.** Review for compliance with the standards of this Division shall occur as part of the review of an application for a Site Plan.
- (D) **Landscape Plan Bond.** After a Landscape Plan has been approved, and before any planting or disturbance can occur, the developer shall furnish to the City an irrevocable letter of credit, cash

⁷ **Editor's Note:** Specifications for landscape plan requirements have been established.

escrow, or bonds (collectively referred to as “performance bond”) from a certified Virginia Lending Institution by corporate surety in a form and amount sufficient to guarantee the completion of all required improvements and ensure the survival of installed vegetation for a period of 2 years.

- (1) The cost of required landscaping shall be determined by a bona fide estimate of cost prepared by a duly licensed landscape architect, engineer, or other licensed professional, and such estimate shall be provided at the expense of the developer.

Section 8-5-4. General Plant Standards.⁸

(A) All planting, pruning, and maintenance practices shall comply with the following national standards:

- (1) ANSI Z60.1 – American Standard for Nursery Stock;
- (2) ANSI Z133.1 – Safety Requirements for Arboricultural Operations; and
- (3) ANSI A300 – Standard Practices for Tree Care Operations.

(B) Tree measurement, installation, protection, and maintenance standards shall be in accordance with **Chapter 50, Article VI of the City Code**.

(C) Shrub and groundcover vegetation shall follow the minimum standards provided in **Table 8-3**. Alternative measurement standards may be approved at the discretion of the City Arborist.

Table 8-3. Minimum Shrub and Groundcover Standards

Plant Type	Size at Planting (Min)	Spacing (Max)	Size at Maturity (Min)
Shrubs <i>(not required for screening)</i>	12 in. height or spread	3 ft. on center	3 ft. height or spread
Shrubs <i>(required for screening)</i>	18 in. height or spread	3 ft. on center	5 ft. height
Groundcover	1 qt. container or rooted cutting	18 in. on center	6 in. height or 18 in. spread

(D) Landscaping shall not obstruct the view of motorists using any street, driveway, parking isles, or the approach to any street intersection so as to constitute a traffic hazard or a condition dangerous to the public safety.

(E) Any required landscaping shall be installed prior to the issuance of a Certificate of Occupancy.

- (1) If the required landscaping cannot be planted due to seasonal limitations, a temporary Certificate of Occupancy may be issued, provided the Zoning Administrator approves a sufficient surety to guarantee future planting.
- (2) The owner or developer shall provide a development agreement which sets a deadline for installation of plantings, to be approved by the Zoning Administrator.

⁸ **Editor’s Note:** Plant standards are intended to be consistent with the Tree Protection and Planting Ordinance developed by the Green Infrastructure Center (GIC). Standards for trees reference the Tree Protection ordinance, while additional standards for shrubs, groundcover, and general landscaping provisions are included here.

- (F) All plantings shall be maintained in perpetuity in such a way to ensure that the requirements of this Ordinance continue to be met.
- (1) The owner of the property upon which the required landscaping or buffering is installed shall be responsible for maintenance and replacement.
 - (2) Any dead or dying plants shall be removed within 30 days of notification by the Administrator. If notified during winter, such plants may be replaced by the property owner during the next viable planting season.
- (G) Landscaping materials shall be sustainable and biologically diverse with emphasis on trees and plants native to Virginia and the region.
- (1) Plant species shall be selected from the City’s official Tree List. The City Arborist may also approve plant species listed in the latest edition of “Native Plants for Southeast Virginia” by Plant Virginia Natives.⁹
 - (2) The City Arborist may approve non-native plant species if they are not considered invasive by the Virginia Department of Environment Quality, Virginia Department of Conservation and Recreation, USDA Natural Resources Conservation Service, the Virginia Native Plant Society, or similar entity.¹⁰
 - (3) Invasive plant species are prohibited.

Section 8-5-5. Plant Preservation Standards.

- (A) Existing trees and vegetation shall be preserved to the greatest extent possible.
- (1) Existing, healthy trees and shrubs shall be credited toward any minimum landscaping required by this Ordinance, provided they meet minimum size standards of **Table 8-3** and/or **Chapter 50, Article VI** of the City Code, and are protected before and during construction and maintained thereafter in a healthy growing condition.
 - (2) Where existing vegetation is not adequate to achieve the required landscaping or screening, additional plants shall be installed as necessary to meet the objective, and in accordance with the standards of this Division.
- (B) Trees selected for preservation for the purposes of obtaining credit toward landscaping requirements shall be shown on the landscape plan and clearly marked. In wooded areas, groups of trees shall be selected for preservation rather than single trees wherever possible.
- (1) Trees which are to be preserved on-site shall be protected before, during, and after the development process in accordance with **Chapter 50, Article VI** of the City Code.

⁹ **Editor’s Note:** The City’s “official Tree List” is retained from the Tree Protection and Planting Ordinance developed by the Green Infrastructure Center (GIC). A new reference has been added to the “Native Plants for Southeast Virginia” guide provided by Plant Virginia Natives (funded through DEQ). This native species guide is available for free online and covers the Southeastern Virginia region, including Petersburg. Recommended street trees and other landscaping plants are provided. [Linked here.](#)

¹⁰ **Editor’s Note:** Per comments from the City Arborist, native plants are encouraged but not mandated. It is recommended to prohibit invasive species, but non-native species that are not considered invasive may be approved.

- (C) No healthy tree(s) shall be removed from the site unless such trees are replaced.
- (1) Such trees shall be shown on the Landscaping Plan.
 - (2) These replacement trees shall be in addition to landscaping required by this Division.
 - (3) No replacement tree shall have a caliper of less than 3 inches, measured 6 inches from the ground, at the time of planting.
- (D) In determining which trees shall be preserved, consideration shall be given to preserving trees which:
- (1) Are of 15-inch caliper or larger;
 - (2) Are native ornamental or understory trees of any size;
 - (3) Are within required setbacks or along boundaries unless necessary to remove for access, grading, circulation, utilities, or drainage.
 - (4) Are heritage, memorial, significant, and specimen trees;
 - (5) Complement the project design including the enhancement of the architecture and streetscape appearance;
 - (6) Can tolerate environmental changes to be caused by development (i.e., increased sunlight, heat, wind, and alteration of water regime);
 - (7) Have strong branching and rooting patterns;
 - (8) Are disease and insect resistant;
 - (9) Complement or do not conflict with stormwater management and best management practice designs;
 - (10) Are located in required buffer areas;
 - (11) Exist in natural groupings, including islands of trees;
 - (12) Do not conflict with necessary utility; and,
 - (13) Have been recommended a certified arborist or urban forester for preservation.

Section 8-5-6. Canopy Cover and Tree Diversity in New Developments.¹¹

- (A) **Intent.** As authorized by Code of Virginia § 15.2-961, new developments must maintain a minimum canopy coverage dependent on their zoning classification as follows and must indicate spatially on-site plans how and where these minimums will be achieved.
- (B) **Minimum Coverage.** Developments must include the planting or replacement of trees on-site that, at 20 years, minimum tree canopies or coverages will be as provided in [Table 8-4](#), below.

¹¹ **Editor's Note:** Canopy cover standards are retained from Article 38, Section 12 of the current Zoning Ordinance.

Table 8-4. Canopy Requirements

	RB, B-1, B-2, B-3, MXD-1, MXD-2, MXD-3, M-2 DISTRICTS	RESIDENTIAL DEVELOPMENT WITH 20 OR MORE UNITS	RESIDENTIAL DEVELOPMENT WITH 10 TO 19 UNITS
20-Year Canopy	10%	10%	15%

(C) Tree Diversity in New Subdivisions.

- (1) To ensure a healthy mix of trees and avoid the loss of all neighborhood trees due to a singular pest or disease, new subdivisions of 20 or more single family homes must plant at least 3 to 5 different species per block.
- (2) Required plantings shall be installed only within the following listed Planting Season: November 1 to March 31 and shall be appropriate stock for planting hardiness zone 7b. Any tree planted outside of these dates will be rejected by the Planning Director or designated consulting arborist upon inspection. A planting season waiver is required for trees/shrubs that must be installed outside of the accepted planting seasons to meet canopy coverage or other requirements as specified in the approved plans for final occupancy. Consideration and approval of a planting season waiver shall be at the discretion of the Planning Director, or their designee.
 - (i) The Planning Director may permit plantings at different times of the year, provided the applicant shall post a bond (cash or surety) that covers 110% of the cost of any tree plantings required for canopy coverage on the site.
 - (a) The applicant shall use the American Standard for Nursery Stock (ANSI Z60.1) to compute the cost for proposed trees for canopy coverage.
 - (b) If required tree plantings are not provided within the following planting season, the owner/applicant will be notified and the entire bond will be forfeited to the City of Petersburg. The City will use the bond money to complete required tree plantings. Any additional charges for completing the plantings shall be borne by the applicant.
 - (c) Bonds will be released upon passing inspection by the Director of Public Works who may engage in any necessary validation from a consulting arborist.

Section 8-5-7. Landscape Modifications.¹²

- (A) Modifications to the landscaping standards contained herein may be approved by the Zoning Administrator, in consultation with the City Arborist, upon a determination that the following conditions exist:
- (1) The proposed layout and design provide landscaping which will have the same or increased screening impact, intensity, or variation throughout the year when viewed from adjacent properties or ROWs as that which would be required by strict interpretation of the standards contained in this Division.

¹² **Editor’s Note:** New landscape modification standards have been introduced.

- (2) The proposed layout and design fully integrate and complement the existing trees to be preserved on the site.
- (3) Any trees or shrubs installed or preserved on the site which exceed the minimum quantity required by this Division shall not be subject to the replacement requirements contained herein in the event of removal.

Division 6. Transitions and Screening.¹³

Section 8-6-1. Purpose and Intent.

- (A) The purpose of transition and screening standards is to:
- (1) Minimize adverse visual and functional impacts of site elements on adjacent properties and the public realm;
 - (2) Ensure a compatible transition between differing intensities of land use; and
 - (3) Enhance the pedestrian environment and overall aesthetics of the built environment.

Section 8-6-2. Applicability.

- (A) **General.** The standards of this Division apply to:
- (1) All new development subject to a Site Plan or Major Subdivision review, except as provided in (B), below.
- (B) **Exemptions.** Transitional screening buffers are not required:
- (1) For an individual single family dwelling or duplex;
 - (2) Between uses, buildings, or lots developed under a master plan or operated under common management; or
 - (3) As exempt in Table 8-5, Transitional Buffer Type Required.

¹³ **Editor's Note:** New transition and screening standards have been introduced. Transitional screening is intended to provide visual buffering between conflicting uses, such as a higher intensity commercial use and lower intensity residential use. Landscape standards are also established for lot frontages along corridors.

Section 8-6-3. Buffer Screening Type Required.

Table 8-5. Buffer Screening Type Required

SUBJECT DISTRICT	ABUTTING DISTRICT					
	A, R1-A, R-1, R-2, R-3, RTH, RMH, PUD	R-4, R-5	B-1, B-2	R-6, RB, B-3, ERC, MXD-1, MXD-2, MXD-3	M1, M-2	ALONG FRONTAGE ADJACENT TO ROW
A	N/A	N/A	N/A	N/A	N/A	N/A
R-1A R-1 R-2 R-3 PUD	Type B	Type B	Type B	Type B	Type D	Type C
R-4 R-5 R-6 RTH RMH	Type C	Type C	Type C	Type C	Type D	Type C
B-1 B-2	Type C	Type C	N/A	N/A	N/A	Type C
RB B-3 MXD-1 MXD-2 MXD-3	Type A or B	Type A or B	N/A	Type A or B	N/A	Type C
M-1 M-2	Type D	Type D	Type D	Type D	Type B	Type C

Section 8-6-4. General Screening Standards.

(A) **General Standards.**

- (1) Screening required by this Division shall be located along property lines and maintained entirely on-site, including footings and foundations.
- (2) Breaks in required screening may be permitted for pedestrian, bicycle, and vehicular access. Breaks shall not exceed:
 - (i) Ten (10) ft. for walkways or bicycle paths.
 - (ii) Twenty-four (24) ft. for driveways or service access.
- (3) Fences or walls used for screening shall be in accordance with **Division 7, Fences and Walls**, of this Article.
- (4) No other structure, vehicle use area, or utility infrastructure may be located within the required screening area except:
 - (i) Sidewalks or trails running perpendicular to the screen; or

- (ii) Necessary utilities or stormwater facilities. The impact of such facilities shall be minimized to the extent practicable.

Table 8-6. Screening Standards.

SCREENING TYPE	MIN. DEPTH	PER 100 LINEAR FEET			FENCE/WALL	OPACITY
		LARGE DECIDUOUS OR EVERGREEN TREES	MEDIUM ORNAMENTAL OR UNDERSTORY	SHRUBS		
A	0' to 5'	None	None	Optional	Required (6' min)	90%
B	10'	2	1	6	Optional (6' min)	
C	20'	3	3	8	Optional (6' min)	
D	30'	4	6	10	Optional (6' min)	

Figure 8-5. Type A Screening Standards.

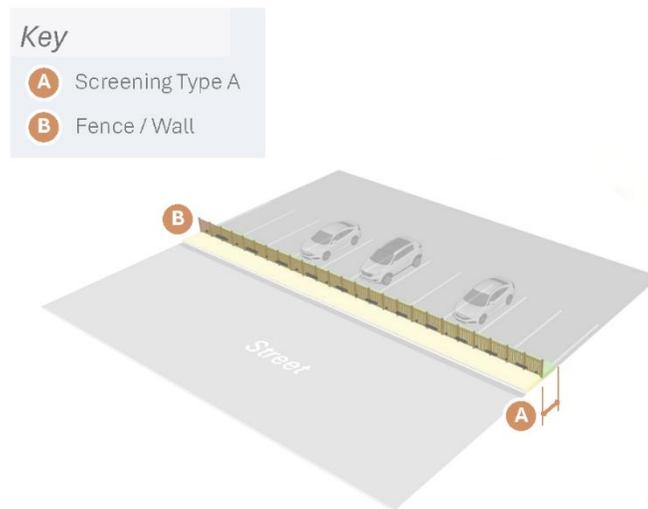


Figure 8-6. Type B Screening Standards.

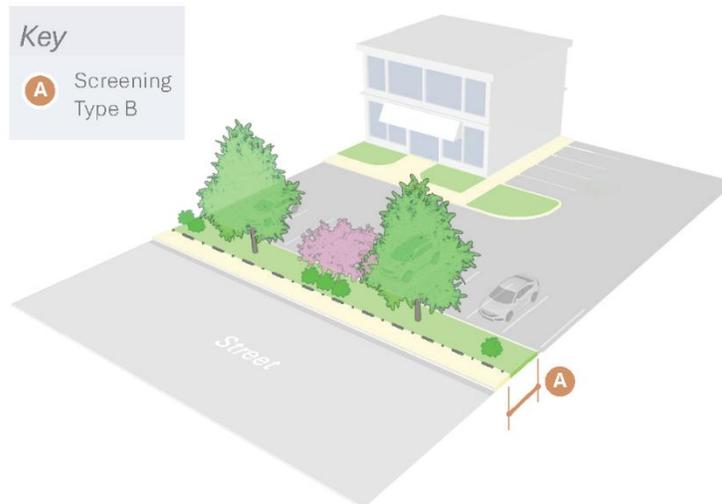


Figure 8-7. Type C Screening Standards.

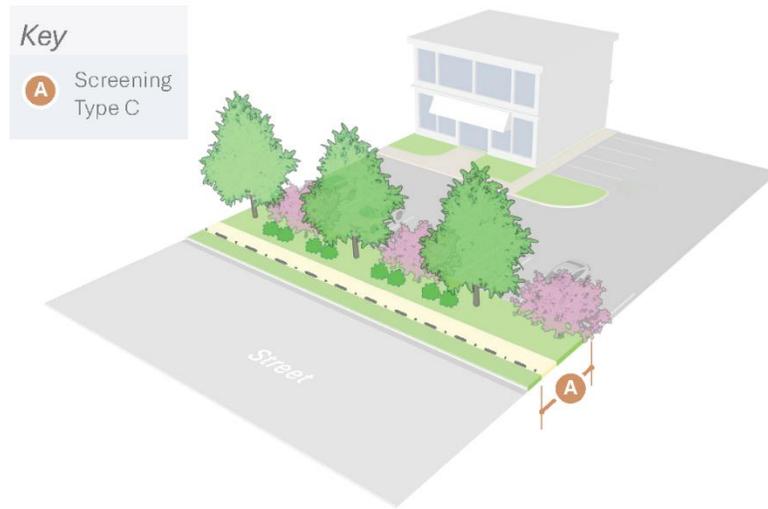
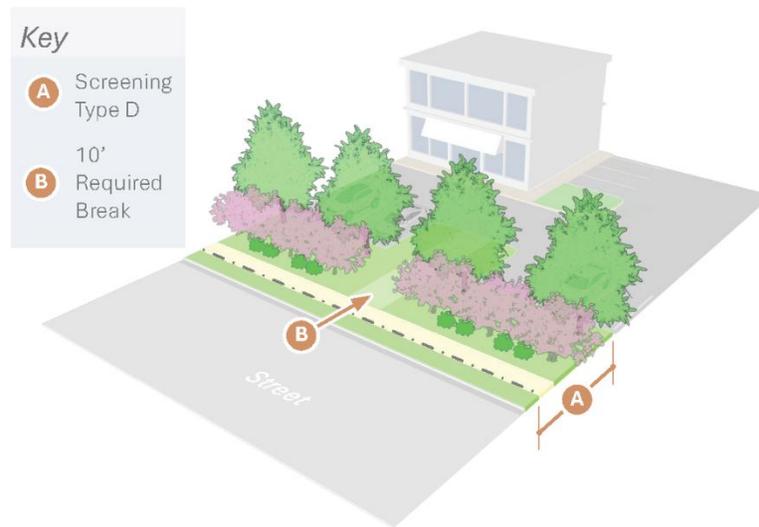


Figure 8-8. Type D Screening Standards.



Section 8-6-5. Service and Utility Area Screening.¹⁴

(A) **Applicability.** This section shall apply to service and utility areas such as dumpsters, loading docks, mechanical equipment, and outdoor storage.

(B) **General Standards.**

- (1) All service and utility areas shall be located to the rear or side of the building and not adjacent to the public ROW or any pedestrian accommodation.
- (2) Such features shall be screened by a fence or masonry wall at least 6 ft. in height, composed of opaque materials in accordance with **Section 8-7-4**, below.

¹⁴ **Editor's Note:** Screening standards for service areas and mechanical equipment have been introduced.

- (i) Screening materials shall be consistent with and complement the principal structure.
- (ii) All fences and walls used for screening purposes shall be gated and closed when not in use.

(C) Mechanical Equipment.

- (1) Ground-mounted mechanical equipment not exceeding 4 ft. in height may be screened with a hedge of evergreen shrubs with a minimum opacity of 90%.
- (2) Roof-mounted mechanical equipment shall be screened from view from public ROWs by parapet walls or roof screens consistent with the materials and colors of the principal structure.
- (3) Utility meters and boxes shall be placed on a rear or side of the building and painted to match the building exterior or screened behind an enclosure in accordance with **Section 8-7-6**, below.

Division 7. Fences and Walls.¹⁵

Section 8-7-1. Purpose and Intent.

- (A) The purpose of this Division is to provide standards for walls and fences that contribute to a safe, attractive, and context-sensitive built environment. Specifically, the standards in this Division are intended to:
- (1) Define appropriate materials, placement, and height to support privacy, security, and visual harmony;
 - (2) Maintain visibility and safety for pedestrians, cyclists, and drivers;
 - (3) Promote consistent design quality along the public realm and within private development;
 - (4) Ensure compatibility with surrounding development patterns and streetscape character; and
 - (5) Support long-term durability and proper maintenance of fence and wall installations.

Section 8-7-2. Applicability.

- (A) The requirements of this Division shall apply to all construction, reconstruction, or replacement of walls and/or fences except:
- (1) Walls and/or fences required for the physical support of a principal or accessory structure;
 - (2) Walls and/or fences erected temporarily for construction sites or a similar purpose, provided that they comply with all relevant requirements of the USBC and do not block sight distance;
 - (3) Landscaping berms without fences;

¹⁵ **Editor's Note:** New standards for fences and walls have been introduced.

- (4) Walls and/or fences necessary for soil erosion control;
- (5) Customary fencing provided as part of a permitted tennis court, athletic field, and similar recreational facility will be exempt from the height standards specifically;
- (6) Permanent or temporary fences used specifically for tree protection;
- (7) Fences used for the containment of livestock or for other customary agricultural uses in the A, Agricultural District; and
- (8) Walls and/or fences enclosing a public works facility, utility, or industrial site where the wall or fence is designed to prevent serious personal injury or unauthorized access to hazardous areas.

Section 8-7-3. Location.

(A) Walls and fences shall not:

- (1) Be located within the public ROW;
- (2) Block or divert stormwater flow onto or off of adjacent properties, unless it is a specific component of an approved stormwater management plan;
- (3) Be constructed in a manner or in a location that impairs safety or sight lines for pedestrians and vehicles traveling on public rights of way; or
- (4) Prevent immediate view of, or access to, fire hydrants or other fire-fighting water supply devices.

(B) Walls and/or fences may be located within any required setback or yard.

(C) Walls and/or fences located within an easement shall receive written authorization from the easement holder or the City (as appropriate).

- (1) The City shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements or facilities.

(D) Walls and/or fences within required transitional buffers shall be installed so as not to disturb or damage existing vegetation or installed plant material.

(E) The finished side must face outward, toward adjacent property or ROW.

Section 8-7-4. Materials. ¹⁶

(A) **General.**

- (1) All wall and/or fence segments located along a single lot side shall be composed of a uniform style, material, and color compatible with other parts of the wall and/or fence.

¹⁶ **Editor's Note:** New standards for fence and wall materials have been introduced to promote visual character, while still allowing flexibility for alternative materials.

- (2) Fences and walls in historic districts shall match the character of the district, subject to **Article 5**, Overlay Zoning Districts, of this Ordinance, and any applicable design guidelines.

(B) **Permitted Materials.** Walls and/or fences shall be constructed of any combination of:

- (1) Treated or rot-resistant wood or similar composite wood material;
- (2) Wrought iron;
- (3) Vinyl (PVC);
- (4) Decorative metal materials;
- (5) Brick, stone, masonry materials, or products designed to resemble these materials; or
- (6) An alternative material that provides a comparable degree of visual texture, quality, and architectural interest, as determined by the Zoning Administrator.
- (7) Where opaque materials are specified for particular types of screening or buffering fences or walls, all other fence materials are prohibited.

(C) **Prohibited Materials.** Walls and/or fences made of debris, junk, rolled plastic, sheet metal, plywood, barbed wire, or waste materials are prohibited in all zoning districts unless such materials have been recycled and reprocessed into new building materials that resemble the customary materials listed in **(B)**, above.

Section 8-7-5. Height.

(A) **General.**

- (1) Walls or fences located within the side or rear setback shall not exceed 6 ft. in height.
 - (i) Fences or walls for industrial uses may exceed 6 feet in height at the discretion of the Zoning Administrator, provided it is demonstrated that the additional height is necessary for safety, security, operational efficiency, or compliance with applicable federal or state regulations.
- (2) Walls or fences located within the front setback shall not exceed 3.5 ft. in height, except where screening requirements in **Section 8-6-4**, above, require a greater height.
 - (a) In the case of fences within a front yard on a corner lot, the fence shall not be any closer to the street than the front building line.
- (3) Supporting columns or posts may extend up to 18 inches above the maximum allowed height for the wall and/or fence.

(B) **Measurement Standards.**

- (1) Front yards:
 - (i) If a sidewalk exists within 20 ft. of the fence or wall, height shall be measured from the adjacent sidewalk elevation to the top of the structure.

- (ii) If no sidewalk exists, height shall be measured from the grade at the base on the exterior side.
- (2) Side and rear yards:
 - (i) Where there is a grade difference across the length of the fence, height shall be measured from the highest adjacent grade.
 - (ii) Where adjacent to an alley, height shall be measured from the alley surface.

Section 8-7-6. Screening Walls and Fences.

(A) In addition to the requirements of this Division, the following standards apply to walls or fences used for screening purposes as required by **Division 6**, Transitions and Screening, of this Article.

- (1) **Materials.** Screening materials shall:
 - (i) Be opaque or combined with landscaping to achieve full visual screening;
 - (ii) Not include chain link of any kind; and
 - (iii) Be consistent with the architectural elements, materials, and colors of the principal structure.
- (2) **Opacity.**
 - (i) Opacity is calculated as:

$$\text{Opacity} = \frac{\text{Solid Area of Wall/Fence}}{\text{Total Area of Wall/Fence}}$$

- (ii) The total area of the wall or fence is measured as the smallest regular shape containing all elements of the wall or fence, excluding the top portions of finials or posts.

Section 8-7-7. Retaining Walls.

(A) **General.** Retaining walls shall be:

- (1) Designed and installed to avoid abrupt height transitions and minimize visual impact; and
- (2) Faced with or constructed of stone, brick, or decorative concrete modular block.
 - (i) Alternative materials that achieve a comparable level of visual interest may be approved at the discretion of the Zoning Administrator.

(B) **Height.**

- (1) No individual retaining wall shall exceed 8 ft. in height.
- (2) Two or more terraced retaining walls are permitted if:
 - (i) Each wall is no more than 6 ft. in height; and
 - (ii) The minimum horizontal separation between walls is 3 ft.

- (3) Retaining wall height shall be measured from the lowest adjacent exterior grade to the top of the wall.

Section 8-7-8. Maintenance.

- (A) All walls and/or fences shall be maintained in good repair and in a safe and attractive condition.
- (B) The owner of the property on which wall and/or fences are located shall be responsible for maintenance, including but not limited to, the replacement of missing, decayed, or broken structural and decorative elements.

Division 8. Access and Parking.

Section 8-8-1. Purpose and Intent.

- (A) The purpose of this Division is to ensure efficient traffic flow and to reduce hazards to public safety by establishing standards for off-street parking and off-street loading areas. This Division is intended to:
 - (1) Ensure adequate parking is designed and constructed during the erection of all new structures and the modifications to existing structures;
 - (2) Provide safe and convenient traffic flow and add to the beautification of the City;
 - (3) Provide for adequate but not excessive off-street parking and loading while accommodating alternative parking solutions for permanent, temporary, and seasonal demands;
 - (4) Minimize the environmental impact of vehicular parking by avoiding excessive paved surface areas, applying appropriate minimum parking requirements, and encouraging the use of permeable parking surfacing; and
 - (5) Support walking and bicycling in appropriate locations through the provision of bicycle parking.

Section 8-8-2. Applicability.

- (A) Access and parking standards apply to:
 - (1) All new development requiring a site plan;
 - (2) Redevelopment meeting at least one of the following:
 - (i) Expansion of the gross floor area by 10% or more;
 - (ii) Expansion or reconfiguration of an existing off-street parking area that proposes 10 or more new spaces; or
 - (iii) A change in use that would increase the minimum required parking by 10% or more.

(B) **Exemptions.** Parking requirements shall not apply to the B-3 District.¹⁷

Section 8-8-3. Internal Sidewalks and Pathways.

(A) **Connectivity.** Uninterrupted pedestrian access must be provided, connecting all building entrances, parking areas, and public sidewalks.

(B) **Minimum Width.** Minimum width for internal sidewalks shall be 5 feet.

(C) **Crosswalks.** Crosswalks shall be clearly marked using high-visibility striping or other approved materials and designed in accordance with applicable accessibility and safety standards. Striped crosswalks shall be provided to establish safe and visible pedestrian connections in the following locations:

- (i) Between building entrances and interior parking areas;
- (ii) Across major drive aisles or travel lanes that separate primary building entrances from parking areas or public sidewalks; and
- (iii) Between interior pedestrian walkways and perimeter sidewalks or public ROWs.

Section 8-8-4. Minimum Off-Street Parking Requirements.

(A) **General.**

- (1) Off-street parking spaces shall be provided in accordance with **Table 8-7**, below.
- (2) Where fractional spaces result, the parking spaces required shall be increased to be the next highest whole number.
- (3) Where minimum parking requirements are determined by floor area, areas such as restrooms, storage areas, utility rooms, and stairwells shall be excluded from the calculation.
- (4) The parking requirements in this Division do not limit additional requirements that may be imposed for approval of a SUP.
- (5) For residential uses, the total number of off-street parking spaces provided inside a private garage shall be calculated based on the intended design of the garage.
- (6) Except as otherwise provided, the number of employees shall be compiled based on the maximum number of persons employed on the premises at one time, on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.
- (7) The parking space requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation, as determined by the Administrator.

¹⁷ **Editor's Note:** Provision to exempt the B-3 District is retained from Article 19, Section 4(3).

- (8) Increases or reductions to minimum parking requirements shall be in accordance with Section 8-8-17.

Table 8-7. Minimum Off-Street Parking Requirements¹⁸

Use(s)	Minimum Number of Required Spaces
Agricultural Uses	
Agricultural Operation Farm Stand Silvicultural Operation	No minimum
Agritourism	<i>Number of spaces to be determined on a case-by-case basis with the Zoning Administrator</i>
Commercial Uses	
Adult Use	1 per 400 sq. ft.
Brewery/Distillery/Winery Brewery, Distillery, or Winery, Micro-Business Support Services Consumer Repair Services	1 per 1,000 sq. ft. production space (for employees), plus 1 per 500 sq. ft. public seating/consumption space 1 per 500 sq. ft. 1 per 500 sq. ft.
Car Wash, Self-Service	3 stacking spaces per wash stall, plus 1 space per vacuum stall
Car Wash, Full Service	3 stacking spaces per wash stall, plus 2 spaces per wash stall (for employees/customers), plus 1 space per vacuum stall
Catering Facility	1 per employee on largest shift
Cigar Lounge Vape Shop	1 per 400 sq. ft.
Convention Center	1 per 200 sq. ft.
Day Care Center	1 per employee on largest shift, plus 1 per 10 children
Entertainment/Recreation, Commercial Indoor	1 per 4 seats based on maximum occupancy, plus 1 per employee on largest shift
Entertainment/Recreation, Commercial Outdoor	<i>Facilities with Fixed Seating:</i> 1 per 3 seats, plus 1 per employee on maximum working shift
	<i>Facilities without Fixed Seating:</i> 1 space per 300 sq. ft. of floor area of enclosed buildings, plus 1 space for every 4 persons that the outdoor facilities are designed to accommodate when used to the maximum capacity
Event Facility/Banquet Hall	1 per 4 seats
Farmers Market	1 per 300 sq. ft. of vendor stall area
Financial Institution	1 per 400 sq. ft., plus 3 stacking spaces per drive-thru lane
Funeral Home	1 per 100 sq. ft. of main assembly area
Garden Center/Commercial Greenhouse	1 per 500 sq. ft.
Gas Station	1 per plump, plus 1 per 250 sq. ft. retail area
Hospital	1 per 2 patient beds, plus 1 space per 2 employees
Hotel	1 per guest room or unit, plus

¹⁸ Editor’s Note: Parking standards have been revised per the uses established in Article 6, Use Matrix.

Table 8-7. Minimum Off-Street Parking Requirements ¹⁸

Use(s)	Minimum Number of Required Spaces
	1 employee space per 10 guest rooms, plus required parking for any additional uses on site (e.g., restaurant open to public, event facility/banquet hall, etc.)
Kennel, Commercial	1 per 400 sq. ft.
Laundry Facilities, Personal Scale	1 per 400 sq. ft.
Laundry Services, Commercial Scale	1 per 1,000 sq. ft.
Lounge/Bar Night Club	1 per 250 sq. ft.
Maker Space	1 per 750 sq. ft.
Manufactured/Modular Home Sales	1 per 400 sq. ft. office space, plus 1 per 10 display units
Marina, Commercial	1 per slip
Media Production Studio	1 per 1,000 sq. ft.
Nursing Home	1 per 4 residents, plus 1 per 2 employees
Office, General	1 per 400 sq. ft.
Office, Medical/Clinic	1 per 250 sq. ft.
Pawnshop	1 per 400 sq. ft. retail floor area
Personal Care Services	1 per 500 sq. ft.
Restaurant, General	1 per 4 seats
Restaurant, Mobile	No minimum
Restaurant, Virtual	1 per employee on largest shift
Retail Store (all types)	1 per 400 sq. ft.
Short-Term Loan Establishment	1 per 500 sq. ft.
Studio	1 per 350 sq. ft.
Tradesperson Service	1 per employee on largest shift, plus 1 per service/fleet vehicle
Vehicle Rental	1 per 400 sq. ft. office, plus 1 per 20 rental vehicles
Vehicle Repair/Service	3 stacking spaces per service bay/lane + 2 spaces per service bay/lane (for employees/customers)
Veterinary Clinic/Hospital	1 per 400 sq. ft.
Industrial Uses	
Battery Energy Storage Facility	2 spaces total
Construction Material Sales	1 per 500 sq. ft.
Construction Yard	1 per employee on largest shift
Crematorium	1 per employee on largest shift
Data Center	1 per employee on largest shift
Equipment Sales, Service, and Repair (Heavy)	1 per 1,500 sq. ft. of display area, plus 2 per bay/stall
Hazardous Materials, Storage, and Distribution	1 per employee on largest shift
Junkyard/Salvage Yard	1 per employee on largest shift
Laboratory, Research, and Development	1 per 1,000 sq. ft. <i>OR</i> 1 per employee on largest shift
Manufacturing, Heavy	1 per 1,000 sq. ft. <i>OR</i> 1 per employee on largest shift
Manufacturing, Light	1 per 1,000 sq. ft. <i>OR</i> 1 per employee on largest shift
Manufacturing, Small-Scale	1 per employee on largest shift
Self-Storage Facility	1 per 5 rental units, plus 1 per employee on largest shift
Solar Energy Facility	2 spaces total

Table 8-7. Minimum Off-Street Parking Requirements ¹⁸

Use(s)	Minimum Number of Required Spaces	
Truck/Freight Terminal	1 per 1,000 sq. ft. office space, plus 1 per 500 sq. ft. dock	
Vehicle Tow Lot	1 per 1,000 sq. ft. office area, plus 1 per tow truck	
Warehousing and Distribution	1 per 1,000 sq. ft. <i>OR</i> 1 per employee on largest shift	
Public, Civic, and Recreational Uses		
Cemetery	2 per acre	
Civic Club	1 per 250 sq. ft. of assembly area	
Communications Services	1 per 1,000 sq. ft.	
Community/Cultural Center	1 per 300 sq. ft.	
Community Garden	No Minimum	
Educational Facility, Post-Secondary or Prof.	1 per employee on largest shift, plus 1 per 10 full-time students	
Educational Facility, Primary/Secondary	1 per employee on largest shift, plus 1 per 10 seats in largest assembly room	
Public Parks and Recreation	1 per 4 visitors at peak service	
Recreation Facility, Non-Commercial	1 per 4 visitors at peak service/capacity	
Religious Assembly	1 per 4 seats at maximum capacity	
Shelter, Animal	1 per 400 sq. ft.	
Telecommunications Facility	1 space for employees/repairs	
Utility Service	No Minimum	
Residential Uses		
Bed and Breakfast	1 per guestroom, plus 1 per owner/operator	
Boardinghouse	1 per guestroom, plus 1 per owner/operator	
Cottage Court	1 per unit	
Dwelling, Duplex		
Dwelling, Single Family	2 per unit	
Dwelling, Manufactured Home		
Dwelling, Townhouse		
Dwelling, Triplex or Quadplex	1 per unit	
Dwelling, Multifamily	0-1 Bedroom	1 per unit, plus 1 visitor space in common area per 5 units
	2 Bedrooms	1,5 per unit, plus 1 visitor space in common area per 5 units
	3+ Bedrooms	2 per unit, plus 1 visitor space in common area per 5 units
Family Day Home (1-4 Children)	Residential requirement plus 1 space	
Family Day Home (5-12 Children)	Residential requirement plus 3 spaces	
Group Home	1 per 4 residents, plus 1 per employee	
Life Care Facility	1 per 4 residents, plus 1 per employee	
Shelter, Residential	1 per 500 sq. ft.	
Short-Term Rental	1 per guestroom, plus 1 per onsite owner/operator	
Miscellaneous Uses		
Aviation Facility	1 per tie-down/hangar, plus 1 per employee	
Mixed-Use Structure	<i>Number of spaces based on combination of individual uses</i>	
Parking Lot, RV Storage	1 per 20 storage slips	
Transportation Facility	<i>Number of spaces to be determined on a case-by-case basis with the Zoning Administrator</i>	

Section 8-8-5. General Parking Lot Standards.¹⁹

- (A) **Location.** Off-street parking lots shall be located to minimize their visibility from streets and pedestrian pathways and to preserve the visual continuity of building frontages.
- (1) Off-street parking lots shall be located to the rear or side of the principal structure whenever physically and legally feasible.
 - (2) Off-street parking lots between the principal structure and the street is strongly discouraged and shall be permitted only where the applicant demonstrates to the satisfaction of the Zoning Administrator that no reasonable alternative exists.
- (B) **Surfacing.** All driveways, aisles, and parking areas, including residential uses, shall have an improved surface to prevent soil erosion, abate dust, and provide an adequate driving surface.
- (1) Improved surface shall mean concrete, asphalt, bituminous pavement, brick or stone pavers, or other hard, all-weather, dustless, permeable pavement system.
- (C) **Pervious and Semi-Pervious Materials.**
- (1) The use of pervious or semi-pervious parking lot surfacing materials – including, but not limited to pervious asphalt and concrete, open joint pavers, and reinforced grass grids – may be approved for off-street parking and loading areas except on industrial and other sites where there is reasonable expectation that petroleum and other chemical products will be spilled, and provided such surfacing is subject to an on-going maintenance program (e.g., sweeping, annual vacuuming).
 - (2) Any pervious or semi-pervious surfacing used for aisles within or driveways to parking and loading areas shall be certified by a design professional as capable of accommodating anticipated traffic loading stresses and maintenance impacts or as approved by the **Director of Public Works**.
- (D) **Entrances and Exits.** The location and design of entrances and exits shall meet the VDOT traffic safety and design standards. In general, there shall not be more than 1 entrance and 1 exit or 1 combined entrance and exit along any on 1 street.
- (E) **Curbing.** All parking lots shall be bordered by a curb of asphalt, concrete, or other material acceptable to the Director of Public Works.²⁰

Section 8-8-6. Parking Lot Landscaping.²¹

- (A) **Applicability.**
- (1) This section requires a minimum tree cover in parking lots and applies to all new development and redevelopment projects. Parking lots without existing canopy must install tree islands and medians as part of installation of new parking lots. Trees prolong

¹⁹ **Editor's Note:** New parking lot design standards have been introduced, with emphasis on locating parking areas to the side or rear of structures to protect visual character along corridors.

²⁰ **Editor's Note:** Provision retained from Article 19, Section 3.

²¹ **Editor's Note:** Parking lot landscaping provisions are retained from the previously developed tree protection ordinance. Minor revisions have been made to the structure/organization for clarity.

parking lot surfaces as shaded asphalt lasts longer and shaded lots are more attractive to shoppers, businesses and residents.

- (2) Tree islands allow for canopy trees to grow in parking areas for the purpose of providing shade, reducing heat islands, and promoting plant diversity. It is the intent of these standards that upon maturity, trees planted in tree islands provide a minimum canopy coverage of 50%. These standards apply to all new development as well as redevelopment of existing paved lots or in the case of zoning changes or special use permits.
- (3) Tree islands are required in all off-street parking areas. This section does not apply to street trees or trees in ROWs.

(B) General.

- (1) All planting and care standards shall be in accordance with **Division 5, Landscaping**, of this Article.

(C) Tree Island Standards.

- (1) One tree island is required for every 8 parking spaces. Tree islands are required at the end of every parking aisle to separate the last space from adjacent travel lanes. In an effort to save and protect existing trees and provide context-based flexibility in the design of the site, both the location of tree islands and ratio of parking spaces to tree islands may be modified so long as no more than 12 spaces are located in a continuous row without being interrupted by a tree island between spaces; or perpendicular to such spaces. and the site continues to average 1 tree island per 8 parking spaces.
- (2) A median running the length of the entire row of parking spaces may be substituted for a tree island(s). A continuous median of trees tends to be more successful in supporting robust tree growth.
- (3) Minimum island size is 180 square feet. Tree island design and size shall correspond to the type of parking spaces surrounding it.
- (4) Parking spaces on either side of a tree island shall be constructed of pervious paving material with additional means of aeration installed. This allows the roots to receive water.
- (5) Tree islands shall be mulched, unless within a bioswale in which another groundcover is utilized.
- (6) Shrubs, native grasses, and sod that compete with the overstory tree for water and nutrients are strongly discouraged, unless used for bioretention.
- (7) Tree islands are encouraged to be designed as rain gardens or vegetated bioswales. Such features may be combined as a component of a stormwater management plan and shall be appropriately planted using native trees, shrubs, groundcover, grasses and other materials.
- (8) Only trees approved for parking lot islands from the City Tree List may be planted in parking lots.

(D) Landscape Median Standards.

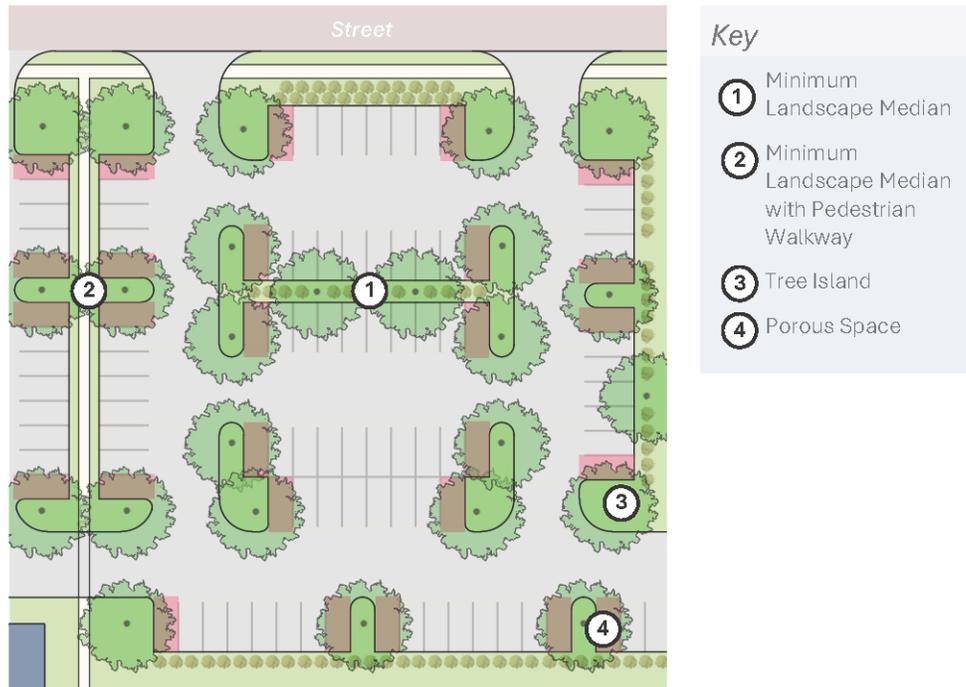
- (1) Landscape medians separate parking aisles on the interior portion of parking lots. Landscape medians are required for all parking lots that have more than one parking aisle.
- (2) Minimum width shall be 8 feet.
- (3) Shrubs and/or trees shall be installed in the median to provide for semi-continuous planting along the median. Shrubs shall be at least 1 ft. in height at installation and reasonably projected to grow at least 2 ft. in height within three years.
- (4) In off-street surface parking areas with 120 or more spaces, an alternative configuration of landscape medians allows for an 11 ft. wide landscape median with a minimum 5 ft. wide pedestrian walkway running the length of the median to be used between every other parking aisle in lieu of the required 8 ft. wide median per every parking aisle. Walkways added must connect to access to commercial areas, building entrances, or other access points.
- (5) Landscape medians shall be protected from vehicle damage by the installation of curbing, wheel stops, or other comparable methods.
- (6) Landscape medians are encouraged to be designed as linear rain gardens or vegetated bioswales. Such features may be combined as a component of a greater stormwater management plan and shall be appropriately planted using native trees, shrubs, groundcover, grasses and other materials.

(E) Parking Lot Perimeter Landscaping Strips.

- (1) Parking lot perimeter strips serve the purpose of screening parking lots from thoroughfares and maintaining pedestrian vitality along commercial and mixed-use corridors designed for pedestrian traffic.
- (2) Parking lot perimeter landscape strips are required between all off-street parking areas and public or private thoroughfares. Parking lot perimeter landscape strips are also required to buffer adjoining parking lots where no cross access is provided.
- (3) Parking lot perimeter landscape strips are required between parking lots and pedestrian friendly internal thoroughfares and frontage roads.
- (4) Required width:
 - (i) With only landscaping: 10 ft.
 - (ii) With fences or wall: 5 ft.
- (5) Where no fences or walls are used, evergreen shrubs shall be used to form the continuous visual screen in the perimeter landscaping strip. Shrubs shall be maintained at a minimum height of 3 ft.
- (6) In order to assure visibility and safety of pedestrians on the public street and within the parking area and to maintain a pedestrian-scaled streetscape; shrubs, fences, and walls may be no greater than a height of 4 ft.

- (7) Parking lot perimeter strips shall comply with all applicable highway sight distance standards.
- (8) Where fences or walls are utilized, they shall meet the standards of **Division 7, Fences and Walls**, of this Article and shall incorporate groundcover, low-lying shrubs, ornamental grasses, and/or vines.

Figure 8-9. Parking Lot Landscaping.



Section 8-8-7. General Parking Structure Standards.

- (A) Structured parking shall be located within the principal structure whenever feasible; underground, ground floor, or rooftop parking areas are encouraged.
- (B) Street-facing facades of parking structures shall incorporate façade materials and architectural detailing consistent with buildings on the same street within 400 ft. Façades shall be designed to simulate an occupied building frontage, including elements such as regular window openings, façade articulation, and vertical/horizontal modulation.
- (C) Street-facing façades shall be designed to be architecturally compatible with adjacent buildings in terms of scale, rhythm, materials, and detailing. Plain concrete and exposed parking decks are prohibited on any street-facing façade.
 - (1) All openings shall be screened to obscure views of vehicles. Acceptable screening includes:
 - (i) Decorative grilles or louvers;
 - (ii) Tinted or spandrel glass;

- (iii) Architectural panels or mesh with openings no larger than 4 sq. in.;
- (D) Where a parking garage abuts a public sidewalk or street-facing lot line, the ground story shall include:
 - (1) Retail, office, or other habitable space with a minimum depth of 20 ft.; or
 - (2) A liner building that meets the frontage type standards of this Article.
- (E) A parapet wall or equivalent architectural feature at least 42 inches in height shall be provided along all open edges to screen vehicle headlights. Parapets shall be integrated into and compatible with the structure’s architectural features and façade design.
- (F) Rooftop lighting shall be recessed behind parapets or set back at least 15 ft. from the roof edge.

Section 8-8-8. Driveway and Curb Cut Standards.

- (A) Curb cut widths shall not exceed:²²
 - (1) Twenty (20) ft. for two-way entrances.
 - (2) Ten (10) ft. for one-way entrances.
- (B) The maximum number of curb cuts per development shall be:
 - (1) One (1) curb cut per street frontage less than 300 ft.
 - (2) Two (2) curb cuts per street frontage of 300 ft. or greater.
 - (3) Corner lots may have 1 curb cut per frontage.
- (C) Final curb cut locations shall be subject to approval by the **Director of Public Works**.
 - (1) Modified curb cut widths may be approved by the **Director of Public Works** only upon a finding that site-specific conditions make compliance with the standard widths infeasible.

Section 8-8-9. Parking Space and Drive Aisle Standards.

Table 8-8. Parking Space and Drive Aisle Standards

PARKING ANGLE	DIRECTION OF TRAFFIC	DIMENSION OF STALL		MAXIMUM AISLE WIDTH
		Standard	Compact	
Parallel	With Traffic	8’ x 22’	8’ x 20’	12’
30 °	One Way	9’ x 18’	8’ x 16’	14’
45 °	One Way			14’
60 °	One Way			18’
90 °	Two-Way			24’

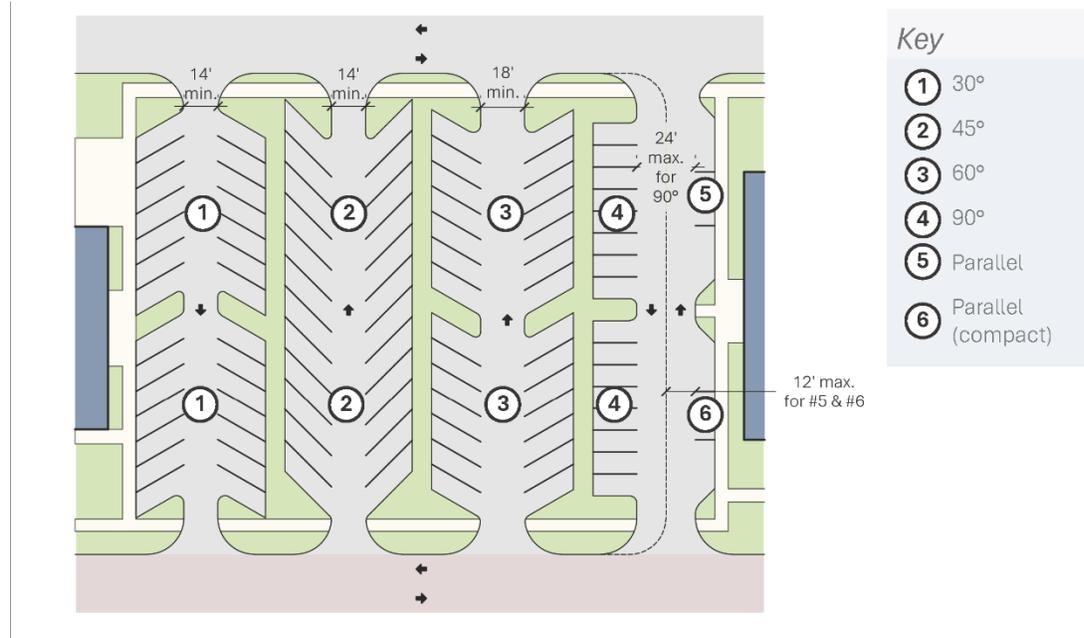
- (A) **Marking.** For all paved parking areas, each parking space shall be striped and maintained. Parking spaces shall be marked by painted lines or curbs or other means to indicate individual spaces. Signs or markers shall be used to ensure efficient traffic operation on the lot.

²² **Editor’s Note:** Curb cut widths of 10 ft. and 20 ft. have been provided by City staff.

(B) **Compact Vehicles.** Where more than 10 spaces are required by this Ordinance, up to 20% may use compact stall dimensions in accordance with [Table 8-8](#).

(1) Compact vehicle spaces shall be designated as reserved for compact cars only.

Figure 8-10. Parking Space and Drive Aisle Standards.



Section 8-8-10. Electric Vehicle (EV) Charging Stations.

(A) Where any off-street parking area with at least 10 spaces is provided, 10% of the parking spaces shall be equipped with conduit and electrical capacity to accommodate the installation of electric vehicle charging equipment.

(B) EV charging stations shall be located to the side or rear of buildings.

(1) EV charging equipment shall not obstruct pedestrian walkways or interfere with ADA access routes.

(C) A minimum of one EV charging space shall be ADA-accessible where EV charging is provided.

(1) Accessible EV spaces shall be located closest to the building entrance and connected by a compliant pedestrian path.

Section 8-8-11. Accessible Parking.

Parking spaces for the handicapped and any necessary curb cuts, ramps and accessible routes to the proposed use shall be provided in and from parking areas in conformance with the regulations issued by the U.S. Department of Justice pursuant to the Americans with Disabilities Act (ADA) (See 28 CFR Part 36, Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities).

Section 8-8-12. Joint/Shared Parking.²³

- (A) Off-street parking spaces may be shared between 2 or more uses, provided the applicant demonstrates that the total supply is adequate to serve all uses without resulting in a parking shortfall.
- (B) The adequacy of the shared supply shall be demonstrated in accordance with Section 8-8-4, above, another professionally recognized parking generation standard as approved by the Zoning Administrator, or documented local data from comparable developments.
- (C) All participating uses must be located within 600 ft. of the shared parking area, measured along a public access route.
- (D) The shared parking arrangement must be secured through a recorded legal instrument, such as an easement, deed restriction, or covenant, that ensures:
 - (1) Mutual access to the shared parking spaces and any connecting pedestrian walkways for all participating uses;
 - (2) Perpetual maintenance of the shared parking facility; and
 - (3) Permanence of the parking arrangement, unless formally modified or terminated with approval from the Zoning Administrator.
- (E) The legal instrument shall be recorded with the deed or plat and approved as to form and content by the City Attorney prior to final Site Plan approval.

Section 8-8-13. Bicycle Parking.

- (A) Bicycle parking in accordance with this Section shall be required for:
 - (1) All redevelopment and new development in the commercial, industrial, planned, and mixed-use district types; and
 - (2) Triplex, quadplex, and multi-family dwellings.

Section 8-8-14. Bicycle Parking Standards.

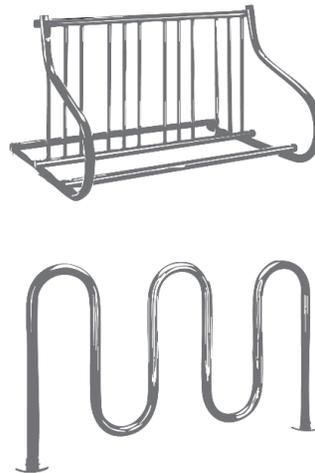
Table 8-9. Required Bicycle Parking

DISTRICT TYPE	STANDARD	MINIMUM SPACES REQUIRED
Multifamily Residential	1 / 10 dwelling units	2
Commercial	1 / 3,500 sq. ft. of GFA	2
Industrial	1 / 7,500 sq. ft. of GFA	5
Planned	Residential uses: 1 / 10 multi-family dwelling units All other uses: 1 / 7,500 sq. ft. of GFA	5
Mixed-Use	Residential uses: 1 / 10 multi-family dwelling units All other uses: 1 / 7,500 sq. ft. of GFA	5

²³ **Editor’s Note:** Joint/shared parking standards have been revised from the existing standards in Article 19, Section 9. These new standards provide more flexibility for users to justify their parking demand based on actual need.

- (1) A bicycle rack, bicycle loops, or other device as approved by the Zoning Administrator shall be installed to secure bicycles within the bicycle parking area.
- (2) Each rack shall:
 - (i) Accommodate at least two (2) bicycles.
 - (ii) Allow for the securing of the frame and at least one wheel of a bicycle in a bicycle parking space to the rack with an industry-standard U-shaped bike lock;
 - (iii) Provide each bicycle parking space with support for a bicycle in a stable position with direct support to the bicycle frame;
 - (iv) Be securely anchored to the ground or to a structural element of a building or structure; and
 - (v) Be constructed of materials designed to withstand cutting, severe weather, and permanent exposure to the elements, such as powder-coated steel or stainless steel.

Figure 8-11. Examples of Permitted Bicycle Parking Devices.



- (3) Bicycle parking shall be as close as practicable from the main entrance of the building it serves, unless the Zoning Administrator determines that another location is appropriate.
- (4) Lighting in accordance with **Division 10** of this Article shall be provided for bicycle parking spaces that are accessible after dark.
- (5) The location of the bicycle parking area, when fully occupied, shall not obstruct any pedestrian way and a 5 ft. wide pedestrian path must be maintained at all times.
- (6) A bicycle parking area shall not be located in any minimum setbacks or within a required landscaping or transitional buffer.

- (7) Bicycle parking areas shall be maintained free of inoperable bicycles (e.g., bicycles with flat tires or missing parts), trash, and debris. Bicycle racks shall be maintained in good repair and free of rust.

(B) Joint Bicycle Parking.

- (1) Joint bicycle parking areas shall be permitted where there are multiple structures or tenants on the same lot, subject to approval from the Zoning Administrator.
- (2) Joint bicycle parking areas shall be within 300 ft. of each building entry point for all structures or tenants sharing the joint bicycle parking area, measured by walking distance on the ground.
- (3) The minimum required bicycle parking shall be the sum of the minimum required for each individual use.
 - (i) The Zoning Administrator may modify the minimum required joint bicycle parking spaces.

Section 8-8-15. Off-Street Loading Standards.

- (A) A loading area is not required. If determined necessary by the Zoning Administrator, adequate space must be made available on-site for the unloading and loading of goods, materials, items, or stock for delivery and shipping.
 - (1) Loading spaces shall have minimum dimensions of 12 ft. by 35 ft. and a minimum vertical clearance of at least 12 ft.²⁴
- (B) With the exception of alleys and areas specifically designated by the City, loading and unloading activities are not allowed on a public street.
- (C) Loading areas must be located to the rear or side of buildings and shall be visually screened from any adjacent premises used or zoned for residential purposes in accordance with **Division 6, Transitions and Screening**, of this Article.
- (D) Loading and unloading activities must not encroach on or interfere with sidewalks, multimodal lanes, driveways, drive aisles, stacking spaces, or parking lots.

Section 8-8-16. Obligations of Owner.

- (A) Property owners shall maintain the required parking and loading spaces for as long as the structure or use exists and continues to need them.
- (B) Owners cannot remove, alter, or stop using required parking or loading spaces unless they provide approved alternatives that comply with this Division.
- (C) No business or organization may use a structure without securing the necessary off-street parking or loading spaces in compliance with this Division.

²⁴ **Editor's Note:** Loading space dimensions retained from Article 20, Section 4(1).

Section 8-8-17. Modifications and Waivers.²⁵

(A) Parking Reduction Modification.

- (1) The Zoning Administrator may approve a reduction of up to 100% of the required minimum number of parking spaces, provided:
 - (i) The applicant demonstrates that the parking demand will be less than the minimum standard due to at least one of the following:
 - (a) Access to transit service within 1,000 ft.;
 - (b) Availability of shared parking within 600 feet;
 - (c) Commitment to Transportation Demand Management (TDM) strategies (e.g., ride-share programs, employer transit subsidies); or
 - (d) Use-specific characteristics with demonstrably lower parking needs using a nationally recognized parking standard or parking study specifically conducted for the subject use.

(B) Parking Increase Modification. The Zoning Administrator may allow up to a 15% increase above the otherwise applicable off-street parking requirement, provided:

- (1) The applicant demonstrates that the proposed use has unique operational characteristics or peak demand periods that require additional parking beyond the typical standard;
- (2) The additional parking shall not create excessive impervious surface or negatively impact site design, pedestrian access, or landscaping requirements;
- (3) The additional parking shall not result in the loss of required open space, buffer areas, or conflict with adopted stormwater management plans; or
- (4) The applicant demonstrates that the proposed use has unique characteristics that result in a higher parking demand, as sufficiently supported by a nationally recognized parking standard or a parking study conducted specifically for the proposed use.
- (5) In no instance shall the additional parking spaces be provided between the principal structure and the ROW.

(C) Historic District Modification or Waiver. In Local Historic Areas designated on the Historic Areas Map, as described in **Section 5-3-3** of **Article 5**, Overlay Zoning Districts, the Zoning Administrator may modify or waive the requirements of this Division to maintain the consistency and integrity of the historic character of the applicable Local Historic Area. In making such determinations, the Zoning Administrator may consult with the Preservation Planner or other qualified historic preservation professional.

²⁵ **Editor's Note:** Provisions to allow modifications for parking reductions or increases from the base standards have been introduced to allow for flexibility base on unique parking needs and the availability of nearby public parking areas or transit options.

Division 9. Signs.²⁶

Section 8-9-1. Purpose and Intent.²⁷

- (A) The purpose of these sign regulations is to establish standards for the size, materials, placement, and condition of signs to prioritize the safety of all residents and travelers within the City. They provide a consistent, fair, and content-neutral framework to manage signage while supporting community aesthetics and functionality. This Division is further intended to:
- (1) Safeguard public health, safety, and community welfare;
 - (2) Regulate signs to ensure they suit the character of their surroundings and are adequate for communication without harming the area's visual appeal;
 - (3) Minimize distractions, hazards, and obstructions to pedestrians and drivers caused by excessive or improperly designed signs;
 - (4) Prevent visual clutter that negatively impacts safety, property values, and community aesthetics;
 - (5) Preserve the historic and natural character of the area while enhancing its overall appearance;
 - (6) Promote pedestrian and traffic safety; and
 - (7) Ensure fair and consistent enforcement of sign regulations.

Section 8-9-2. Administration.

(A) **General.**

- (1) The regulations of this Division will apply to all new signs, replacement signs, and their modification(s) established after [effective date of adopted Ordinance].
- (2) Signs not expressly permitted by this Ordinance are prohibited.
- (3) Signs containing noncommercial speech are permitted anywhere that advertising or commercial signs are permitted, subject to the same regulations of such signs.
- (4) This Division will be interpreted in a manner consistent with the First Amendment guarantee of free speech.
- (5) Before any sign shall be painted, erected, or constructed in a Historic Overlay District, a Certificate of Appropriateness shall be obtained from the ARB, in accordance with Article 3, Permits and Applications, of this Ordinance. Notwithstanding the sign regulations established herein, the ARB, in approving a sign, may further regulate such sign with respect to area, height, placement, materials, color, lighting, graphics, lettering or

²⁶ **Editor's Note:** Except where noted, this Division has been revised using the Local Government Attorneys of Virginia (LGA) Model Sign Ordinance, with minor revisions for clarity and brevity.

²⁷ **Editor's Note:** This intent statement is provided as a briefer alternative to the Model Ordinance language.

architectural styling, provided that area and height limitations established herein are not exceeded.

(i) Sandwich board signs shall be exempt from this review.²⁸

(6) Signs shall not be permitted on single family, duplex, triplex, quadplex, townhouse, or manufactured home dwellings, except as otherwise permitted for a home occupation in accordance with **Article 7, Use Performance Standards**, of this Ordinance.

(B) Permit Required.

(1) **Administrative Permit.**²⁹ An administrative zoning permit shall be required to erect, structurally alter, relocate, or replace any sign within the City, except as otherwise provided in **(C)**, below. A separate permit shall be required for each sign.

(i) Each application for such permit shall be accompanied by plans showing the:

(a) Dimensions of the sign, the area, and height above grade level;

(b) Proposed location of the sign, including proper sight lines, rights-of-way, streets, sidewalks, buildings, and existing signs on the premises;

(c) Methods of illumination or lighting;

(d) Method of fastening such sign; and

(e) Name and address of the sign owner and of the sign erector, including written permission of the owner, lessee, or their authorized agent of the building or land on which the sign is to be erected or placed.

(ii) Except as required by the building official, it shall not be necessary for the applicant to submit drawings or renderings from a licensed professional engineer, or to submit a survey from a licensed surveyor, as part of the application.

(2) **Special Use Permit Required.**³⁰ A SUP for a comprehensive sign plan may be granted for sites with multiple tenants, shared parking facilities, or other unique conditions. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site.

(C) Exemptions. The following signs are exempt from permit requirements:

(1) Signs erected by a governmental body or required by law.

(2) Flags up to 16 sq. ft. in size not containing any commercial advertising.

(i) No freestanding pole shall be erected in the public right-of-way nor be within five (5) ft. of a service drive, travel lane, or adjoining street.

²⁸ **Editor's Note:** Provision for signs in historic districts retained from Article 21, Section 11.

²⁹ **Editor's Note:** Provision retained from Article 21, Section 3.

³⁰ **Editor's Note:** Provision for comprehensive sign plan has been introduced.

- (3) The changing of messages or copy on marquees.
- (4) Routine repairs of an existing permitted sign, provided repairs of nonconforming signs comply with Section 8-9-7, below.
- (5) Pavement markings. Any sign applied directly and entirely to and flush with asphalt, concrete, or similar paved surface.
- (6) Permanent window signs, provided that the aggregate area of all window signs on each window or door does not exceed more than 20% of the total area of the window or door.
- (7) Memorial plaques and building cornerstones not exceeding 6 sq. ft. in area and cut or carved into a masonry surface or other noncombustible material and made an integral part of the building or structure.

Section 8-9-3. Prohibited Signs.³¹

- (A) In addition to signs prohibited by applicable state or federal law, the following signs are prohibited:
- (1) Signs in violation of any law of the Commonwealth of Virginia relating to outdoor advertising.
 - (2) Signs attached to natural vegetation or rocks.
 - (3) Signs attached to any public utility pole or structure supporting wire, cable, or pipe, unless established in accordance with (A)(1), above.
 - (4) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized City official as a nuisance.
 - (5) Electronic messaging center signs where the static message or copy changes more frequently than once every 8 seconds.
 - (6) Animated or rapid-change electronic signs that generated a series of flashing or moving images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit.
 - (7) Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows, or wall edges of any building.
 - (8) Signs which contain or consist of pennants, ribbons, streamers, spinners, or other similar moving devices.
 - (9) Signs on the roof surface or extending above the roofline of a building or its parapet wall.

³¹ **Editor's Note:** Provisions largely retained from Article 21, Section 6 of the current Ordinance, but reorganized and reworded to match the structure of the updated Ordinance.

- (10) Any sign representing or depicting specified sexual activities, specified anatomical areas, or sexually oriented goods.³²
- (11) Vehicle or trailer signs, as defined in **Article 11**, Definitions, of this Ordinance.
- (12) Signs hanging from supports, except against the face of a building.
- (13) Signs that emit sound, smoke, flame, scent, mist, aerosol, liquid, or gas.
- (14) Off-premises signs, including billboards, unless specifically permitted by this Article.³³
- (15) Signs erected on publicly owned land other than those approved by an authorized City official in writing, required by law without such approval, or permitted under Code of Virginia § 24.2-310 E.
 - (i) Any sign not so authorized is subject to immediate removal and disposal by any authorized City official.
 - (ii) Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.
- (16) Neon signs, except in windows.
- (17) Window signs which obscure more than twenty (20) percent of any window or door, whether through an individual sign or a combination of signs.
- (18) Sail signs, as defined in **Article 11**, Definitions, of this Ordinance.

Section 8-9-4. Sign Standards; Measurement of Dimensions.

(A) **General.**

- (1) The uprights or structure supporting a sign shall not be counted as part of the sign area unless they form an integral background for the display. If the sign is on a structure such as a fence, wall, or planter that serves a primary purpose other than supporting the sign, the entire structure is not included in the sign area calculation. In such cases, the sign area shall be computed in accordance with the provisions in **(B)**, below.
- (2) In instances where there are multiple tenants or users on a property or in a building, allowable sign area for all parties shall not exceed the maximum sign area computed as if there were a single tenant or user.

(B) **Sign Area.**³⁴ Sign area is calculated under the following principles:

- (1) With signs that are regular polygons or circles, the area will be calculated by the mathematical formula for that polygon or circle. With signs that are not regular polygons or

³² **Editor's Note:** (9) through (17) are new inclusions to the list of prohibited signs based off the model ordinance.

³³ **Editor's Note:** Recommend prohibiting all billboards/off-premises signs. Disposal procedures upon abandonment would follow those established in Sections 8-8-6 and 8-8-7, below. They are addressed currently in Article 21, Section 14 of the current Zoning Ordinance.

³⁴ **Editor's Note:** Model ordinance language has been simplified for clarity, and to include standard calculations for polygon area.

circles, the sign area is calculated using all that area within a maximum of 3 abutting or overlapping rectangles that enclose the sign face.

- (i) Rectangle formula: sign area = length (L) x width (W)
 - (ii) Circle formula: sign area = πr^2
 - (iii) Triangle formula: sign area = $1/2 \times \text{base (B)} \times \text{height (H)}$
- (2) Whenever one sign contains information on both sides, sign area shall be calculated based on the largest sign face. Faces are not totaled.
- (i) A double-faced sign must have an internal angle between its two faces of no more than 45 degrees.
- (3) For projecting signs with a thickness of 4 inches or more, the sign area also includes the area of the visible sides of the sign, calculated as a rectangle enclosing each entire side view.
- (4) The supports, uprights, or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights, or structure area are designed in such a manner as to form an integral background of the display.

(C) Sign Height.

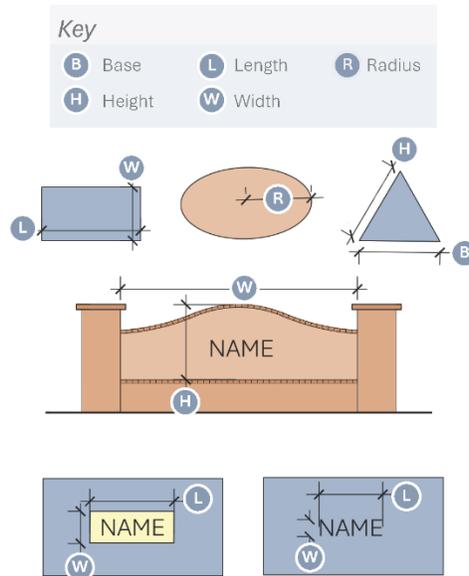
- (1) The maximum height for signs shall be as provided in **Section 8-9-5**, below.
- (2) The height of a sign will be computed as the distance from the base of the sign at average grade to the top of the highest attached component of the sign.³⁵

(D) Sign Setbacks.

- (1) Signs less than 10 ft. in height: minimum of 5 ft. from the street ROW.
- (2) Signs 10 ft. or greater in height: minimum of 5 ft. from the street ROW.
- (3) Sign setbacks shall be increased as needed to avoid placement in sight distance triangles.

³⁵ **Editor's Notes:** The model ordinance does not include how sign height is measured/determined; proposed for inclusion here for clarity.

Figure 8-12. Measurement of Signs.



(E) **Sign Lighting.** All permitted signs may be backlit, internally lighted, or indirectly lighted.

- (1) An Indirect lighting source shall be shielded so that it illuminates only the sign face.
 - (i) Indirect lighting shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the sign to minimize glare, sky glow, and light trespass.
 - (ii) The beam width shall not be wider than that needed to light the sign.
- (2) Illumination shall be no greater than 700 nits from sunrise to sunset, or 500 nits from sunset to sunrise and be equipped with automatic brightness control which can dim the display brightness when ambient conditions exist.³⁶
 - (i) All lighting fixtures used to illuminate a sign must be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA) and must have fully shielded or recessed luminaires with horizontal-mount flat lenses that prevent upward light scatter and protect the dark night sky.
- (3) Electronic service lines must be underground.³⁷
- (4) Any electrical sign shall display the required UL, ETL, CSA, or ULC label.
- (5) Any illuminated sign erected or constructed in a local-designated historical area shall be indirectly illuminated with a shielded, incandescent light source.

³⁶ **Editor’s Note:** These lighting requirements differ from what is included in the model ordinance. Berkley Group recommends these illumination requirements as a best practice for clarity in lieu of simply tying all illumination for *all* signs back to Division 9.

³⁷ **Editor’s Note:** (3) and (4) are not included in the model ordinance, but Berkley Group has proposed for inclusion as a best practice.

(F) **Aggregate Area.**

- (1) In commercial, industrial, and mixed-use districts, the total aggregate sign area shall not exceed 350 sq. ft. on any single lot.
 - (i) This cumulative total includes the area of each individual sign type permitted on the lot. Applicants must ensure that the combined square footage of all signs does not exceed this limit, even if individual sign types have their own maximum allowances.
- (2) For properties in the B-1 District without an approved plan for signage, signs shall be limited to no more than two (2) square feet per linear foot of building frontage per individual tenant for wall signs and no more than one hundred fifty (150) for freestanding signage for the total shopping center.

Section 8-9-5. Sign Types.³⁸

(A) **District Permissions.** The following sign types are allowed by zoning district type, as shown in **Table 8-10**, below. Specific requirements for each sign type are listed in **(B)** through **(K)** of this Section.

Table 8-10. Sign Permissions by District Type

SIGN TYPE	DISTRICT TYPE*						STANDARDS
	Agricultural	Residential	Commercial	Industrial	Planned	Mixed-Use	
WALL SIGNS							
Wall-Mounted, Flat	•	•	•	•	•	•	8-9-5(B)
Wall-Mounted, Projecting			•	•	• +	• +	8-9-5(C)
Marquee			•			• +	8-9-5(D)
Awning		•	•	•	•	•	8-9-5(E)
Canopy			•	•	• +	• +	8-9-5(F)
Window	•		•	•	•	•	8-9-5(G)
FREESTANDING SIGNS							
Monument	•	•	•	•	•	•	8-9-5(H)
Pole-Mounted³⁹			•	•			8-9-5(I)
TEMPORARY SIGNS							
Sandwich Board⁴⁰			•	•	• +	• +	8-9-5(J)
Temporary	•	•	•	•	•	•	8-9-5(K)

*Refer to Section 4-1-3 for district types.

*Non-residential uses only.

³⁸ **Editor’s Note:** Permitted signs and any associated standards are currently provided for in Article 21 of the current Ordinance. Any regulations that are *not* content-neutral in nature have been removed. Berkley Group has also proposed to organize both standards and permission for sign types in a table format, for ease of use by the public and to expedite the process when City staff makes future text amendments.

³⁹ **Editor’s Note:** Berkley Group recommends prohibiting pole-mounted signs in the pending Corridor Overlay District and Historic Overlay District.

⁴⁰ **Editor’s Note:** Article 21, Section 10 of the current Ordinance allows sandwich board signs in any district permitting commercial uses. For clarity, proposed to permit in all commercial, industrial, planned, and mixed-use district types.

(B) Wall-Mounted, Flat.

(1) Dimensional Requirements.

Table 8-11. Wall Mounted, Flat Standards

	AGRICULTURAL & RESIDENTIAL DISTRICTS	COMMERCIAL, INDUSTRIAL, PLANNED, MIXED-USE DISTRICTS
Maximum Number Per Parcel	1	2 OR 1 per tenant, if multiple tenants in structures on the same lot
Maximum Sign Area	24 sq. ft.	<32 ft. building frontage: 32 sq. ft. >32 ft. building frontage: 1 sq. ft. per linear ft. of building frontage
Maximum Sign Height	5 ft.	8 ft.

(2) General Requirements.

- (i) Wall signs shall not:
 - (a) Cover windows, doors, or any other building openings;
 - (b) Cover, cross, or hide architectural building features; or
 - (c) Be located above the roof line or parapet.
- (ii) Wall signs on multi-story buildings shall only be displayed below the window sills of the second story.

(C) Wall-Mounted, Projecting.

(1) Dimensional Requirements.

Table 8-12. Wall-Mounted, Projecting Standards

	COMMERCIAL, INDUSTRIAL, PLANNED, MIXED-USE DISTRICTS
Maximum Number Per Parcel	1 OR 1 per tenant, if multiple tenants in structures on the same lot
Maximum Sign Area	40 sq. ft.
Maximum Sign Height	8 ft.

(2) General Requirements.

- (i) **Sidewalk Clearance.** All projecting signs shall leave an 8 ft. minimum vertical clearance for pedestrians.
- (ii) **Site Placement.** Projecting signs shall not project closer than 3 ft. from the back of curb.

- (iii) **Liability Insurance.**⁴¹ The owner of any projecting sign that extends over a public sidewalk or right-of-way shall maintain a commercial general liability insurance policy with a minimum coverage of \$1,000,000 per occurrence and \$2,000,000 aggregate, naming the City of Petersburg as an additional insured. Proof of insurance shall be provided prior to permit issuance and maintained for the life of the sign or until it is permanently removed. The City shall be notified at least 30 days in advance of any policy cancellation, lapse, or material change in coverage.

(D) **Marquee.**

(1) **Dimensional Requirements.**

Table 8-13. Marquee Standards

	COMMERCIAL, MIXED-USE DISTRICTS
Maximum Number Per Parcel	1
Maximum Sign Area	64 sq. ft.* <i>*Cumulative area of all faces of the marquee sign</i>
Maximum Sign Height	8 ft.
<i>*Cumulative area of all faces of the marquee sign</i>	

(E) **Awning.**

(1) **Dimensional Requirements.**

Table 8-14. Awning Standards

	MULTIFAMILY RESIDENTIAL USES	COMMERCIAL, INDUSTRIAL, PLANNED, MIXED-USE DISTRICTS
Maximum Number Per Parcel	1	2 OR 1 per tenant, if multiple tenants in structures on the same lot
Maximum Sign Area	15 sq. ft.	20 sq. ft.
Maximum Sign Height *	4 ft.	4 ft.
<i>*Maximum Sign Height" refers to the vertical dimension of the awning sign face, not its height above ground. All awnings must maintain a minimum sidewalk clearance of 8 ft., as specified in subsection (2)(ii)</i>		

(2) **General Requirements.**

- (i) In Residential Districts, Awning signs are permitted in on shared entrances on multifamily buildings.
- (ii) Awning signs shall not:
 - (a) Project more than 6 ft. away from the building or closer to 2 ft. from the back of the curb; or
 - (b) Physically obstruct any window, door, or building roof.

⁴¹ **Editor’s Note:** Provision retained from Article 21, Section 8.

- (iii) **Sidewalk Clearance.** All awning signs shall leave an 8 ft. minimum vertical clearance for pedestrians.
- (iv) **Sign Copy.** Sign copy is only permitted on awnings over ground-floor doors or windows.

(F) **Canopy.**

(1) **Dimensional Requirements.**

Table 8-15. Canopy Standards

	COMMERCIAL, INDUSTRIAL, PLANNED, MIXED-USE DISTRICTS
Maximum Number Per Parcel	1 OR 1 per tenant, if multiple tenants in structures on the same lot
Maximum Sign Area	0.5 sq. ft. of canopy fascia on which the sign is mounted
Maximum Sign Height	8 ft.

(2) **General Requirements.**

- (i) Canopy signs shall not physically obstruct any window, door, or building roof.
- (ii) All awning signs shall leave an 8 ft. minimum vertical clearance for pedestrians.

(G) **Window.**

(1) **Dimensional Requirements.**

Table 8-16. Window Sign Standards

	COMMERCIAL, INDUSTRIAL, PLANNED, MIXED-USE DISTRICTS
Maximum Number Per Parcel	2 OR 2 per tenant, if multiple tenants in structures on the same lot
Maximum Sign Area	20 ft.
Maximum Sign Height	5 ft.

(2) **General Requirements.**

- (i) No combination of temporary and permanent window signs shall exceed an aggregate area of 20% of any window or door.
- (ii) Window signs shall only be displayed in ground floor windows or exterior doors.

(H) **Monument.**⁴²

(1) **Dimensional Requirements.**

⁴² **Editor’s Note:** Berkley Group would recommend adding materiality requirements and foundation planting requirements to all monument signs in the pending Historic Overlay District and Corridor Overlay District.

Table 8-17. Monument Sign Standards

	AGRICULTURAL & RESIDENTIAL DISTRICTS	COMMERCIAL, INDUSTRIAL, PLANNED, MIXED-USE DISTRICTS
Maximum Number Per Parcel	1 per parcel; 2 permitted if for subdivision entrance	1
Maximum Sign Area	6*	80 sq. ft.
Maximum Sign Height	3 ft.*	10 ft.
<i>*If the monument sign is located at a subdivision entrance, the maximum sign area and maximum sign height shall be up to 30 sq. ft. and 6 sq. ft., respectively.</i>		

(2) **General Requirements.**

- (i) Monument signs associated with a residential use are prohibited, unless placed at the entrance of a residential subdivision.
- (ii) The Zoning Administrator may allow larger monument signs in commercial, industrial, and mixed-use districts where there are multiple businesses on one parcel, subject to the following:
 - (a) One shared monument sign is permitted per street frontage.
 - (b) The maximum sign area may be increased up to 120 sq. ft., provided that:
 - i. No individual tenant nameplate exceeds 16 sq. ft., and
 - ii. The sign is designed in a cohesive architectural style with a unified structure.
 - (c) Maximum sign height shall not exceed 12 ft.

(I) **Pole-Mounted.**

(1) **Dimensional Requirements.**

Table 8-18. Pole Mounted Sign Standards

	COMMERCIAL, INDUSTRIAL DISTRICTS
Maximum Number Per Parcel	1
Maximum Sign Area	30 sq. ft.
Maximum Sign Height	15 ft.

(J) **Sandwich Board.**

(1) **Dimensional Requirements.**⁴³

Table 8-19. Sandwich Board Sign Standards

	COMMERCIAL, PLANNED, MIXED-USE DISTRICTS
Maximum Number Per Parcel	1 OR 1 per tenant, if multiple tenants in structures on the same lot

⁴³ **Editor’s Note:** The maximum sign area and height have been retained from Article 21, Section 10 of the current Ordinance; the maximum number per parcel is a new addition.

Maximum Sign Area	12 sq. ft.
Maximum Sign Height	4 ft.

(2) **General Requirements.**⁴⁴

- (i) All sandwich board signs must be located:
 - (a) Within the same parcel boundaries as the business the sign advertises;
 - (b) Within the pedestrian ROW only when the primary face of the building is less than 5 ft. from the pedestrian ROW; or
 - (c) Within the closest, main pedestrian ROW to the business establishment when a business fronts an alley.
 - (d) Any sign within the pedestrian ROW shall allow for at least a 3 ft. clearance.
 - (e) Sandwich board signs shall not be in any required off-street parking space, driveway, alley, curb ramp, or fire lane.
- (ii) Signs shall be constructed of plastic, metal, or other similar weather-resistant materials.
 - (a) The use of plywood, cardboard, and paper is prohibited.
- (iii) Mobile attachments such as flags, pennants, or balloons are prohibited unless approved by the Zoning Administrator.
- (iv) Sandwich board signs are only to be displayed during the business establishment's advertised hours of operation, to include one hour before and after formal operation.⁴⁵
- (v) Sandwich boards are exempt from the requirements of Section 98-124 of the City Code and (K), below.

(3) **Exceptions.**

- (i) Within Downtown Petersburg (between the Appomattox River to the north down to Wythe and Halifax streets to the south, and from Market Street on the west over to the I-95 corridor to the east) the following exceptions may be applied:
 - (a) In addition to a sandwich board sign allowed per (J)(2)(i)(a) and (b), a lawful use within any zoning district allowing commercial uses in Downtown Petersburg may place an additional sandwich board sign within Downtown Petersburg, within the public ROW, as long as all other requirements outlined in this section are still met.

(K) **Temporary.**

⁴⁴ **Editor's Note:** This is materially the same as what is included in Article 21, Section 10 of the current Ordinance, but reorganized to match the structure of the updated draft Ordinance.

⁴⁵ **Editor's Note:** Article 21, Section 10 states that sandwich board signs can be displayed "to include additional time before and after formal operation, while businesses set-up and break-down." Propose stating that sandwich boards can be displayed to include one hour before and after formal operation. This provides more clear parameters for enforcement purposes and helps apply regulations consistently.

(1) Dimensional Requirements.

Table 8-20. Temporary Sign Standards

	AGRICULTURAL & RESIDENTIAL DISTRICTS	COMMERCIAL, INDUSTRIAL, PLANNED, MIXED-USE DISTRICTS
Maximum Number Per Parcel	4	4
Maximum Sign Area	8 sq. ft.	16 sq. ft.
Maximum Sign Height	3 ft.	5 ft.

(2) General Requirements.

- (i) **Duration.** Temporary signs may be installed for a period not exceeding 30 consecutive days, up to 2 times per 12 month period, unless otherwise approved by the Zoning Administrator.
- (ii) **Lighting.** Internal or external illumination of temporary signs is prohibited.
- (iii) **Maintenance.** Each temporary sign shall be securely affixed to a building or the ground.
- (iv) **Aggregate Area.** The total aggregate sign area of all temporary signs on a single lot shall not exceed 24 sq. ft.

Section 8-9-6. Maintenance and Removal.

(A) General.

- (1) All signs must be constructed and mounted in compliance with the Virginia USBC.
- (2) All signs and components thereof must be maintained in good repair and in a safe, neat, and clean condition.
- (3) If a sign is in violation of the provisions of this Ordinance, the owner shall correct such violations and make the sign conform with the provisions of this Division, within 10 days of a Notice of Violation from the Zoning Administrator. Signs in violation may include:
 - (i) Any that becomes insecure, in danger of falling, or is otherwise deemed unsafe by the Zoning Administrator; or
 - (ii) Any sign that is unlawfully installed, erected, or maintained in violation of any of the provisions of this Ordinance.
 - (iii) If the Notice of Violation is not complied with within 10 days, the Zoning Administrator shall be permitted to remove or cause such sign to be removed at the expense of the owner of the sign.

(B) Removal of Abandoned Signs.

- (1) A sign must be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises.

- (i) If the sign structure or cabinet remains after the business has ceased operations, the sign face shall be replaced with a blank panel that contains no lettering, graphics, or symbols.
- (2) If the owner or lessee fails to remove such sign, the Zoning Administrator will give the owner 30 days' written notice to remove it.
- (3) Upon failure to comply with this notice, the Zoning Administrator may remove the sign at cost to the property owner.

(C) Safety Hazard.

- (1) Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair must be put in a safe and good state of repair within 30 days of written notice to the owner and permit holder.
- (2) Any sign which constitutes a nuisance may be abated by the City of Petersburg under the requirements of Code of Virginia §§ 15.2-900, 15.2-906, and/or 15.2-1115.

Section 8-9-7. Nonconforming Signs.

(A) **Applicability.** Signs lawfully existing on [effective date of adopted Ordinance], which do not conform to the provisions of this Section, and signs which are accessory to a nonconforming use will be deemed to be nonconforming signs and may remain except as qualified below.

- (1) The property owner will bear the burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs.
- (2) Upon notice from the Zoning Administrator, a property owner must submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification will be cause for order to remove sign(s) or bring sign(s) into compliance with the current Ordinance.

(B) General.⁴⁶

- (1) Nonconforming signs shall not be enlarged nor will any feature of a nonconforming sign, such as illumination, be increased.
- (2) Nonconforming signs must not be extended, structurally reconstructed, or altered in any manner, except a sign face may be changed so long as the new face is the same height and area or smaller. Nothing in this Section will be deemed to prevent routine maintenance of a nonconforming sign.
- (3) Nonconforming signs shall not be moved for any distance on the same lot or to any other lot unless the move will make the sign fully compliant with this Section.
- (4) If a nonconforming sign is destroyed or damaged by any casualty up to 50% of its sign area, it may be restored within 2 years after such destruction or damage, but shall not be enlarged in any manner.

⁴⁶ **Editor's Note:** Minor edits have been made to model ordinance language for clarity.

- (i) If such sign is so destroyed or damaged in excess of 50%, it must not be reconstructed, but may be replaced with a sign that is fully compliant with the provisions of this Section.
 - (5) A nonconforming sign which is changed to or replaced by a conforming sign will no longer be deemed nonconforming, and thereafter such sign will be in accordance with the provisions of this Section.
 - (6) A nonconforming sign structure shall be removed in accordance with the removal provisions of **Article 9**, Nonconformities, of this Ordinance. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more.
- (C) Such sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the Zoning Administrator will give the owner 15 days' written notice to remove it.
- (i) Upon failure to comply with this notice, the Zoning Administrator may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

Division 10. Lighting.

Section 8-10-1. Purpose.

- (A) The purpose of the outdoor lighting standards established in this Division is to:
- (1) Provide outdoor lighting that enhances the walkability, safety, and aesthetics of the community;
 - (2) Minimize glare, light trespass, and obtrusive lighting on adjacent properties; and
 - (3) Protect the calm nighttime environment by reducing light pollution and sky glow.

Section 8-10-2. Applicability.

(A) **General.**

- (1) The provisions of this division shall apply to all new development and shared parking areas in the City unless exempted in accordance with **(B)**, below.
- (2) To the maximum extent practicable, redevelopment of an existing structure, building, parking lot, or use when it is expanded, enlarged, or otherwise increased in intensity equivalent to or beyond 50% of its existing state.

(B) **Exemptions.** The following are exempted from the outdoor lighting standards of this Division:

- (1) Lighting exempt under State or Federal law, including illumination of government flags;
- (2) Lighting within a public ROW or easement that is used principally for illuminating a roadway;

- (3) Lighting required by the USBC;
 - (4) Lighting for public monuments and statuary;
 - (5) Routine maintenance of existing fixtures, such as replacing lamps, ballasts, starters, housings, lenses, and similar components;
 - (6) Residential lighting for single-family, duplex, triplex, quadplex, and townhouse units;
 - (7) Architectural lighting equivalent to 40 watts or less;
 - (8) Temporary lighting for construction, emergencies, holidays, events, or performances, provided it is limited in duration and is discontinued upon completion of the activity, holiday, or event;
 - (9) Field lighting for outdoor sports, provided such lighting is directed toward the playing area and turned off after events; and
 - (10) Security lighting that is motion-activated, downward-directed, and minimizes glare, unless there is a demonstrated need for constant lighting.
- (C) **Conformance with all Applicable Codes.** All outdoor lighting shall be installed in accordance with the provisions of this Ordinance, applicable Electrical and Energy Codes, and applicable sections of the USBC.
- (D) **Time of Review.** Review for compliance with the standards of this Division shall occur as part of the review of an application for a Site Plan, Planned Development, Zoning Permit, SUP, or Variance.
- (E) **Signs.** Lighting for signage shall be governed by the standards set forth in **Division 9, Signs**, of this Article.

Section 8-10-3. Lighting Plan Requirements.⁴⁷

- (A) Where outdoor lighting is required in accordance with this Division, a lighting plan shall be submitted as part of a Site Plan, Planned Development, SUP, or Variance application, as applicable, or as otherwise deemed necessary by the Zoning Administrator for health, safety, and welfare purposes, and shall include the following:
- (1) The layout of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), existing and proposed landscaping as shown on the landscape plan, and adjacent uses;
 - (2) The location of all proposed and existing light fixtures, including but not limited to, area, architectural, building entrance, canopy, soffit, landscape, flag, and sign;
 - (3) An isofootcandle diagram that depicts the aiming angle of all fixtures and the projected foot-candle pattern to at least 0.1 footcandle; and

⁴⁷ **Editor's Note:** Lighting plan requirements have been specified.

- (4) A fixture schedule detailing each fixture type, pole design, mounting height, wattage, and lumens.

Section 8-10-4. Lighting Zones.

- (A) All outdoor lighting shall be installed per the applicable lighting zone, as shown in **Table 8-21, below.**

Table 8-21. Lighting Zones

Lighting Zone	Lighting Zone Description	Associated Zoning Districts Type
LZ1	Minimal lighting for parks, natural areas, and environmentally sensitive zones.	Agricultural
LZ2	Low-intensity zones to maintain neighborhood character.	Residential, Planned
LZ3	Medium-intensity zones for retail, offices, and mixed development areas.	Commercial (office/retail uses), Mixed Use
LZ4	High-intensity zones for high-activity areas such as downtowns, plazas, arenas, casinos, and heavy industrial sites.	Commercial, Industrial

Section 8-10-5. Lighting Standards.⁴⁸

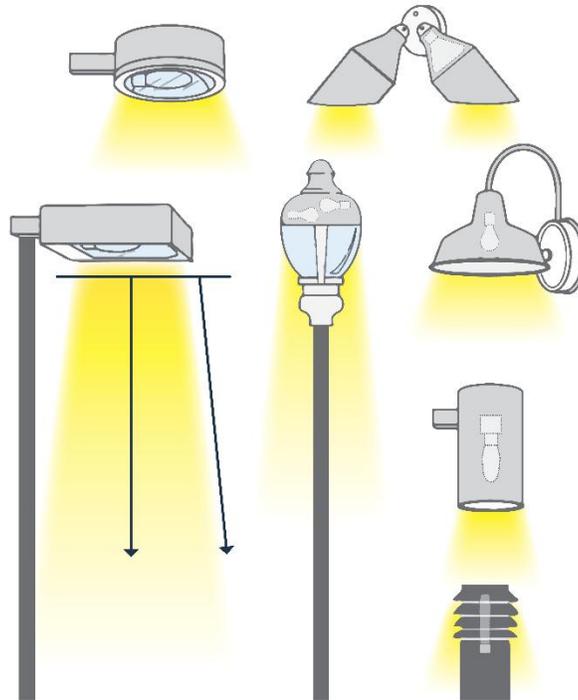
- (A) **General.**
 - (1) Fixtures must be of consistent design and finish within each development;
 - (2) All fixtures must be full cutoff and/or fully shielded to direct light downward;
 - (3) Lighting must be aimed and shielded to prevent glare and avoid spillage onto adjacent properties or public rights-of-way.
 - (i) Directional control shields shall be used when necessary to limit stray light and prevent glare to adjacent properties and vehicular public rights-of-way.
- (B) **Prohibited.** The following light fixtures and sources are prohibited unless exempted under **Section 8-10-2(B)**:
 - (1) Unshielded fixtures;
 - (2) Searchlights, beacons, and similar high-intensity spotlights;
 - (3) Rapidly flashing, scrolling, or strobing lights;
 - (4) Light sources above 3,000K;
 - (5) Mercury vapor and high-pressure sodium lights;
 - (6) Upward or skyward facing lighting; and

⁴⁸ **Editor’s Note:** New lighting standards have been introduced for exterior lighting, including full-cut off fixture requirements, maximum glare standards, and fixture height standards.

(7) Non-motion activated security floodlights.

(C) **Shielding.** Each outdoor luminaire subject to these outdoor lighting requirements shall be fully cutoff and aimed and controlled such that directed light is directed inward to the property and confined to the object intended to be illuminated. Directional control shields shall be used when necessary to limit stray light and prevent glare to adjacent properties and vehicular public ROWs.

Figure 8-13. Examples of Shielded Lighting.



(D) **Canopy Lighting.** Light fixtures under any gasoline canopy or other structural canopy shall be recessed into the canopy ceiling with a flat lens to prevent glare.

(E) **Color Temperature.** All exterior lights shall be 3,000K light color temperature or less.

(F) **Type.** Low-pressure sodium vapor (LPS), high-pressure sodium vapor (HPS), or light emitting diode (LED) lights shall be required.

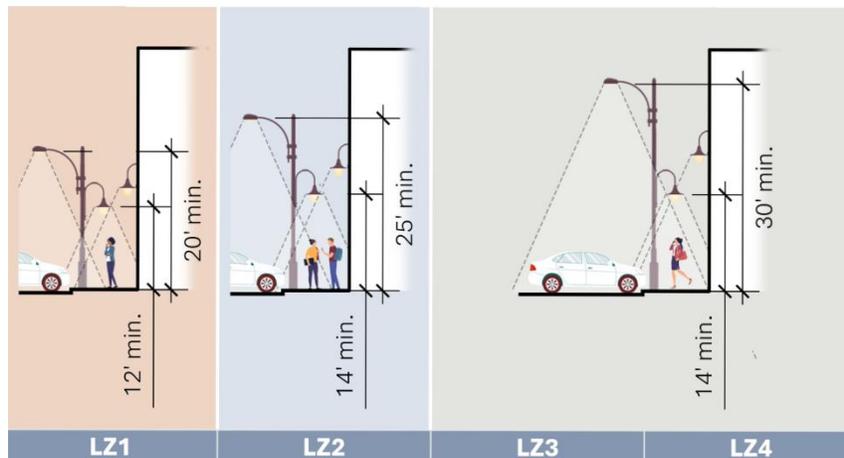
(G) **Height.**⁴⁹

Table 8-22. Lighting Fixture Height

	LZ1		LZ2		LZ3		LZ4	
	Min	Max	Min	Max	Min	Max	Min	Max
Sidewalks	12'	16'	12'	16'	12'	18'	14'	20'
Parking Lot or Street	20'	25'	20'	25'	20'	25'	20'	30'
Wall-Mounted	15'	18'	15'	18'	15'	20'	15'	25'

⁴⁹ **Editor's Note:** While the graphic reflects these heights as minimum requirements, it will be revised to reflect maximum height requirements per discussion with staff.

Figure 8-14. Lighting Zones.



(H) Minimum Lighting Values for Specific Areas.

Table 8-23. Minimum Lighting Values

Location	Maximum Footcandles
Pedestrian Accommodations	0.5
Building Entrances	3.0
Off-Street Parking Lots	1.5
Service/Dumpster Areas	1.5
Loading Zones	3.0

(I) Maximum Illumination Values at Property Lines.

- (1) All outdoor lighting shall be designed and located so that the maximum illumination measured in footcandles at ground level at any lot line shall not exceed the standards shown in [Table 8-24](#), below.

Table 8-24. Maximum Illumination at the Property Line

Adjacent Lighting Zones	LZ1	LZ2	LZ3	LZ4
	(footcandles)			
LZ1	0.5	0.5	0.5	0.5
LZ2	0.5	1.0	1.0	1.0
LZ3	0.5	1.0	2.0	2.0
LZ4	0.5	1.0	2.0	3.0

ARTICLE 9. Nonconformities.

Division 1. General.

Section 9-1-1. Intent.¹

With the adoption of this Ordinance or subsequent amendments, there exists lots, structures, and use of land and structures in combination which were lawful before this Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. In accordance with the Code of Virginia § 15.2-2307, the general intent is that over time, nonconformities will be discontinued in favor of uses, structures, and lots that conform to the Zoning Ordinance and Zoning Map.

Section 9-1-2. General.

- (A) Except as otherwise provided in this Ordinance, any use, structure, or lot existing lawfully at the time of an amendment to this Ordinance may continue, even if it does not conform to this Ordinance’s provisions and is deemed nonconforming.
- (B) A change in occupancy or ownership shall not affect the right of the nonconforming use, structure, or lot to continue.
- (C) Whenever the boundaries of a Zoning District are changed, any uses, structures, or lots that become nonconforming as a result of such change shall become subject to the provisions of this Article.

Division 2. Nonconformities.

Section 9-2-1. Nonconforming Uses.²

- (A) A legal nonconforming use may continue as it existed when it became nonconforming. A nonconforming use shall not be relocated, altered, or expanded in any manner, including the addition of new accessory uses, except as provided for below:
 - (1) A nonconforming use may change to a conforming use.
 - (2) The nonconforming use may be extended throughout those parts of a building which are lawfully and manifestly arranged or designed for such use at the time of enactment of this Ordinance provided there are no structural alterations, expansions, or enlargements except those required by law or lawful order.
 - (3) The land area or building footprint dedicated to a nonconforming use may be reduced in size. Whenever a nonconforming use’s footprint has been reduced, such use shall not thereafter be changed to a greater footprint.

¹ **Editor’s Note:** New text to introduce the Article and the general applicability of a nonconformity.

² **Editor’s Note:** This Section clarifies and expands Article 24, Sections 3 and 4 (amended April 2024) regarding nonconforming uses.

- (4) In accordance with Code of Virginia § 15.2-2307(C), a nonconforming use may be changed to another nonconforming use of the same or of a more restricted classification.
 - (i) Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, it shall not be changed to a less restricted use thereafter.
 - (ii) In determining whether a proposed nonconforming use is “more restricted,” the following factors shall be considered:
 - (a) Whether the proposed nonconforming use will require greater square footage to operate compared to the existing nonconforming use;
 - (b) Whether the proposed nonconforming use will increase the hours of operation, traffic, parking, lighting, odor, noise, and other impacts as determined by the Zoning Administrator.
 - (5) A nonconforming dwelling unit may have a *Home Occupation* subject to the requirements of **Article 6, Use Matrix**, and **Article 7, Use Performance Standards**, of this Ordinance.
 - (6) Nonconforming uses shall not be relocated on the same lot or to any other lot which is not properly zoned to permit such use.
 - (7) A nonconforming use shall lose its nonconforming status, and any further use shall conform to the requirements of this Ordinance when:
 - (i) The nonconforming use is discontinued for a period of 2 years, regardless of whether or not equipment or fixtures are removed and shall be deemed abandoned.
 - (ii) The building in which a nonconforming use operates is removed; removal of the building shall eliminate the nonconforming status of the land, and the nonconforming use may not continue in a new building.
 - (8) The casual, intermittent, temporary, or illegal use of land or buildings will not be sufficient to establish the existence of a nonconforming use, and the existence of a nonconforming use on a part of a lot or tract will not be construed to establish a nonconforming use on the entire lot or tract.
- (B) When evidence available to the Zoning Administrator is deemed to be inconclusive, whether a legal nonconforming use exists shall be a question of fact and shall be decided by the BZA after public notice and hearing in accordance with **Article 3, Permits and Applications**, of this Ordinance.

Section 9-2-2. Nonconforming Lots of Record.³

- (A) Any lot of record at the time of the adoption or amendment of this Ordinance that is less in area, width, or frontage than the minimum required by the zoning district may be used or built upon, provided the lot can meet all setbacks and other requirements of this Ordinance.

³ **Editor’s Note:** This Section introduces provisions for nonconforming lots.

- (1) If the lot cannot meet setback and other requirements, a Variance shall be obtained in accordance with **Article 3, Permits and Applications**, of this Ordinance.
- (B) A developed nonconforming lot may continue in existence but may not be altered except in accordance with this Article.
- (C) Any lot which is reduced in size and becomes less in area, width, or frontage than the minimum required by the zoning district as the result of the widening or realignment of any City, State or Federal right-of-way or by voluntary or required dedication of land along an existing City, State or Federal right-of-way by reason of any condemnation proceedings will be considered a nonconforming lot of record.
- (D) A nonconforming lot may become less nonconforming or fully conforming through the following actions:
 - (1) A consolidation of the nonconforming lot with a contiguous lot(s);
 - (2) A boundary line adjustment between contiguous lots, provided such adjustment does not make a conforming lot become nonconforming, does not create an additional lot, and does not increase a nonconforming lot's nonconformity; or
 - (3) Rezoning to a different zoning district to meet the lot size, width, and frontage requirements of that district.

Section 9-2-3. Nonconforming Buildings, Structures, and Improvements.^{4,5}

- (A) A nonconforming building, structure, or improvement shall include those circumstances where:
 - (1) A building permit or other permit authorizing construction has been issued and the building or structure was constructed in accordance with the building permit, and upon completion, a Certificate of Occupancy was issued;
 - (2) The owner of the building or structure has paid real estate taxes for such building or structure for a period of more than the previous 15 years; or
 - (3) A permit was not required, an authorized governmental official informed the property owner that the building or structure would comply with the Zoning Ordinance, and the improvements were then constructed accordingly.
 - (i) However, in any proceeding when the authorized official is deceased or unavailable to testify, uncorroborated testimony of the oral statement of such official will not be sufficient evidence to prove that the authorized official made such statement.
- (B) The construction of a nonconforming building, structure, or improvement for which a permit was issued legally prior to the adoption of this Ordinance may proceed in accordance with **Article 1, Division 4**, of this Ordinance.

⁴ **Editor's Note:** This Section clarifies and expands Article 24, Section 2 (amended April 2024) regarding noncomplying structures.

⁵ **Editor's Note:** This Section revises the term "*noncomplying* structures" adopted in the April 2024 amendment to "*nonconforming* structures" to better align with state code terms and to differentiate from noncomplying structures that would not be considered nonconforming.

- (C) A nonconforming building, structure, or improvement may continue as it existed when it became nonconforming. It shall not be reconstructed, altered, or expanded in any manner, except as provided in this Section.
- (D) In no instances shall the nonconforming circumstance of the building, structure, or improvement relate to or provide nonconforming status to a use. Nonconforming uses are established as outlined in [Section 9-2-1](#), above.
- (E) A nonconforming building, structure, or improvement may be changed to make it conforming.
- (F) A building, structure, or improvement nonconforming only as to height, area, or bulk requirements may be altered or extended, provided such alteration or extension does not increase the degree of nonconformity in any respect.
- (G) Any nonconforming building or structure may be brought into compliance with the Uniform Statewide Building Code without affecting its nonconforming status.
- (H) If a nonconforming building, structure, or improvement is demolished or removed, it shall not be reestablished, except as provided under [Section 9-2-4](#), below.
- (I) If a nonconforming building or structure is moved for any reason to another parcel of land, regardless of distance, or the lot lines of the parcel on which it is located change, every portion of the building or structure and its principal use must thereafter conform to the requirements of the district in which it is located.

Section 9-2-4. Repairs and Maintenance.⁶

- (A) On any nonconforming building or structure, or portion thereof, containing a nonconforming use, work may be done in any period of 12 months if:
 - (1) Such repair constitutes routine maintenance necessary to keep the structure or improvement in the same general condition it was in when it originally became nonconforming; or
 - (2) Such repair constitutes minor alterations, cosmetic modifications, interior renovations, and similar changes; and
 - (3) The overall footprint and height of the structure, as it existed at the time of passage or amendment of this Ordinance, shall not be increased except as provided in [Section 9-2-3](#), above.
- (B) Nothing in this Ordinance shall permit a complete rebuild of a nonconforming structure except as provided in [Section 9-2-4\(D\)](#), below, nor does it serve to circumvent the requirements of this Article.
- (C) Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any building or structure, or part thereof, declared to be unsafe by any official charged with protecting the public safety, on order of such official.

⁶ **Editor's Note:** This Section clarifies and expands Article 24, Section 2, #2 (amended April 2024) regarding repairs and maintenance.

- (D) In accordance with Code of Virginia § 15.2-2307(E), if a nonconforming building or structure is damaged or destroyed, even if 50% or greater, by fire, natural disaster, or other catastrophic event, such building or structure may be repaired, rebuilt or replaced provided that:
- (1) The nonconforming features are eliminated or reduced to the extent possible, without the need to obtain a variance;
 - (2) The owner applies for a building permit and any work done to repair, rebuild or replace such building or structure shall comply with the provisions of the Uniform Statewide Building Code;
 - (3) All applicable requirements of Chapter 58, Floods, and Chapter 122, Article II, Chesapeake Bay Preservation Areas, of the City Code are met; and
 - (4) The work is done within 2 years, unless the building is in an area under a federal disaster declaration and was damaged or destroyed as a direct result of the disaster, in which case the time period shall be extended up to 2 additional years, not to exceed 4 years total.
- (E) Owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by a catastrophic event. Nothing herein shall be construed to enable the property owner to commit an arson and obtain vested rights under this Section.
- (F) Pursuant to the Code of Virginia § 15.2-2307(H), a nonconforming manufactured home may be replaced as provided for below. Any such replacement home shall retain the valid nonconforming status of the prior home.
- (1) A landowner or homeowner may remove a valid nonconforming manufactured home from a manufactured home park and replace that home with another comparable manufactured home that meets the current HUD manufactured housing code. In such manufactured home park, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home.
 - (2) The owner of a valid nonconforming manufactured home not located in a manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code.

ARTICLE 10. Subdivision.¹

Division 1. General.

Section 10-1-1. Title.

This Article is a portion of the Zoning and Subdivision Ordinance of the City of Petersburg, Virginia. It shall be permitted, for convenience, to be referred to as the “Subdivision Ordinance of the City of Petersburg, Virginia”, “Subdivision Ordinance”, or “Ordinance.”

Section 10-1-2. Recording of Ordinance.

A certified copy of the adopted Subdivision Ordinance and any and all amendments thereto shall be filed in accordance with Code of Virginia § 15.2-2252.

Section 10-1-3. Amendments.

Amendments to this Article shall be made in accordance with Code of Virginia §§ 15.2-2251, 15.2-2253, and 15.2-2285 after public hearing held in accordance with Code of Virginia § 15.2-2204 and **Article 3, Division 13** of this Ordinance.

Section 10-1-4. Repeal.

Upon the adoption of this Ordinance, all prior Subdivision Ordinances adopted by the Petersburg City Council are hereby repealed.

Section 10-1-5. Applicability.

- (A) This Article shall apply to the subdivision of all lots, tracts, or parcels of land within the City of Petersburg, unless specifically exempt, as provided in **Section 10-1-7**.
- (B) No person shall subdivide or complete a Boundary Line Adjustment (BLA), consolidation, or easement on any tract of land that is located within the City of Petersburg except in conformity with the provisions of this Article, this Ordinance, and the provisions of Virginia law relating to land subdivision and development.
- (C) Plats of BLAs, consolidations, or easements shall follow the Final Plat requirements of **Division 6** of this Article and may be administratively approved.
- (D) This Article bears no relation to any private easement, covenant, agreement, or restriction, nor is the responsibility of enforcing a private easement, covenant, agreement, or restriction implied herein to the City of Petersburg.

Section 10-1-6. Circumvention.

- (A) Development of multiple adjoining Minor or Single Lot Subdivisions, over any amount of time, for the purpose of circumventing subdivision requirements, shall not be permitted.

¹ **Editor’s Note:** Unless otherwise noted, all language in this Article is new.

- (B) Development of multiple adjoining Major Subdivisions for the purpose of circumventing preliminary plat requirements, shall not be permitted.
- (C) Creative or unconventional lot layout, for the purpose of circumventing design requirements, shall not be permitted.

Section 10-1-7. Exemptions.

- (A) The following are exempt from the requirements of this Article; however, this exemption does not apply to other Articles of this Ordinance, which may still apply:
 - (1) **Existing Parcels.** The sale or exchange of existing parcels of land between owners and the creation of boundary surveys which do not change or alter any boundary lines of a parcel.
 - (2) **Utility Rights-of-Way; Public, Private Rights-of-Way.** A bona fide division of a tract of land in order that one or more of the resulting parcels may be used as part of a public or private right-of-way. If a parcel created by such a division is later used for anything other than a right-of-way, it must meet the minimum requirements of this Article before a Building Permit can be issued.
 - (3) **Wills; Court Action.** The partition of lands by will, by partition deed of intestate land, by the descendants of the deceased former owner or through action of a court of competent jurisdiction.

Section 10-1-8. Variations, Exceptions, and Appeals.

- (A) The Planning Commission may authorize variations and exceptions to the provisions of this Article, provided:²
 - (1) A written request is submitted to the Subdivision Agent stating the grounds for the variation or exception. The burden shall be on the subdivider to demonstrate the need for a variation or exception. The Subdivision Agent may require additional information as deemed necessary.
 - (2) The Planning Commission shall not approve a variation or exception unless it finds that:
 - (i) Strict application of this Article would produce undue hardship.
 - (ii) The granting of the variation or exception will not be of substantial detriment to adjacent properties and the character of the neighborhood will not be adversely affected.
 - (iii) The facts upon which the request is based are unique to the property and are not applicable generally to other property so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to this Article.
 - (iv) The hardship is created by the physical character of the property, including dimensions and topography, or by other extraordinary situation or condition of such

² **Editor's Note:** (A) is materially the same as Section 33-5 of the current Subdivision Ordinance, but the term has been revised from "variance" to "variations or exceptions" to differentiate from zoning variances approved by the BZA. Additional provisions have been added for conditioned approvals, bonding, and plat notes.

property, or by the use or development of property immediately adjacent thereto. Personal or self-inflicted hardship shall not be considered as grounds for the granting of a variation or exception.

(v) No objection has been issued by a reviewing agency in regards to transportation, health, and/or safety concerns.

(3) In authorizing a variation or exception, the Planning Commission may impose such reasonable conditions in addition to the regulations of this Article as it may deem necessary in the public interest. The Planning Commission may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

(4) If granted, such exception shall be specifically stated in writing together with the supporting justifications and filed with the subdivision plan or such plat or plans deemed necessary by the agent. A note shall be prominently placed on the record plat detailing any exception so granted.

(B) Appeals to any decisions made by the Subdivision Agent regarding the requirements of this Article shall be in accordance with Code of Virginia § 15.2-2259.³

Division 2. Design Requirements.

Section 10-2-1. Conformity to Plans and Regulations.

(A) Proposed subdivision plats shall conform to the:

- (1) Adopted Comprehensive Plan; and
- (2) Adopted Zoning Ordinance.

Section 10-2-2. Suitability of Land.⁴

(A) If the Subdivision Agent determines that land is not suitable for subdivision due to issues such as flooding, poor drainage, steep slopes, lack of utilities, or other conditions which may endanger health, life or property, and if reviewing agencies agree after investigation that the land should not be developed as proposed, the Subdivision Agent shall not approve the subdivision unless the subdivider provides effective solutions to adequately solve the problem that would be created by development of the land.

- (1) Any land in the subdivision prone to flooding or other risks shall be designated on the plat for uses that are safe and do not harm public health, safety, and welfare.
- (2) All development including lots, streets, drainage, and utilities shall follow all applicable local, state, and federal floodplain and environmental regulations.

³ **Editor's Note:** (B) is materially the same as Sections 33-3, 33-4, and 33-6 of the current Subdivision Ordinance. Appeals procedures should be followed in accordance with state code procedures and are simply cross-referenced here rather than including redundant language.

⁴ **Editor's Note:** Provisions are materially the same of those provided in Section 33-41 (J) of the current Subdivision Ordinance.

- (B) To evaluate the land's suitability for subdivision, the Subdivision Agent may require the subdivider to submit relevant information as deemed reasonably necessary, including but not limited to topographic maps, soil reports, floodplain studies, and wetlands delineation.

Section 10-2-3. Lots.

(A) **General.**

- (1) Lot standards apply to any divisions, re-divisions and consolidations of land, the vacation of recorded subdivision plats, and the relocation of boundary lines.
- (2) Lot standards do not apply when a lot is to be conveyed to the City or held in common ownership for open space, recreation or conservation purposes only, and the plat contains a notation that no building permit will be issued for the lot unless it satisfies the lot requirements of this Article and the building permit is consistent with open space, recreation or conservation uses.
- (3) When a lot is subdivided, the Final Plat shall record the parent lot and each new lot created as a result of the subdivision.

- (B) **Lot Size.**⁵ Minimum dimensions for all lots shall be as required in **Article 4, Primary Zoning Districts**, of this Ordinance.

(C) **Lot Shape.**

- (1) The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography, and conform to requirements of this Ordinance.
- (2) Lots shall not include narrow or oddly shaped extensions that are mainly intended to meet minimum size, frontage, drainage, or septic requirements, or to give access to a lot without street frontage, unless otherwise stated in this Article.

Section 10-2-4. Remnants.

All remnants of lots below minimum size, left over after subdividing a tract, must be added to adjacent lots rather than allowed to remain unusable parcels.

Section 10-2-5. Frontage.

- (A) Unless otherwise stated, all lots or parcels of land shall front on an existing or proposed street or right-of-way in accordance with the provisions of this Ordinance.
- (B) Double frontage and reversed frontage residential lots shall in general be avoided except where essential to provide residential separation from arterial streets or to overcome other disadvantages of orientation or topography.

⁵ **Editor's Note:** Retained from Section 33-41(B) of the current Subdivision Ordinance.

- (1) A planting screen easement of at least 10 ft. shall be provided along the line of lots abutting such traffic artery or other disadvantageous use, across which there shall be no right of access.

Section 10-2-6. Access.

- (A) The design of a subdivision shall be made to interconnect streets within the subdivision to promote grid pattern development, avoid dead end streets, and arrange streets to provide access to adjoining parcels to promote orderly development of the City.
- (B) Adequate easements shall be provided for the development of future streets and such easements shall include restrictions that assure the adequacy of the easement, including building setback lines, to ensure the future viability of the easement.
- (C) Streets between adjoining properties shall be required to interconnect where the ability to interconnect streets has been created through right-of-way construction and dedication.
- (D) If there are corner lots created in the subdivision of property that meet the road frontage requirements on existing public roads, then such lots are required to access the interior subdivision road and they shall not access the existing public road, unless waived by the Director of Public Works.

Section 10-2-7. Blocks.

(A) Block Configuration.

- (1) Blocks shall generally maintain a rectilinear or similarly efficient shape to support regular street and lot patterns.
- (2) Irregular blocks may be permitted where natural features, topography, or site-specific conditions warrant deviation, provided pedestrian connectivity is preserved.
- (3) Cul-de-sacs shall not be permitted unless required due to significant site or environmental constraints, at the discretion of the Director of Public Works. In such cases, pedestrian and bicycle connections shall be provided to adjacent streets or sites.

(B) Block Dimensions.⁶

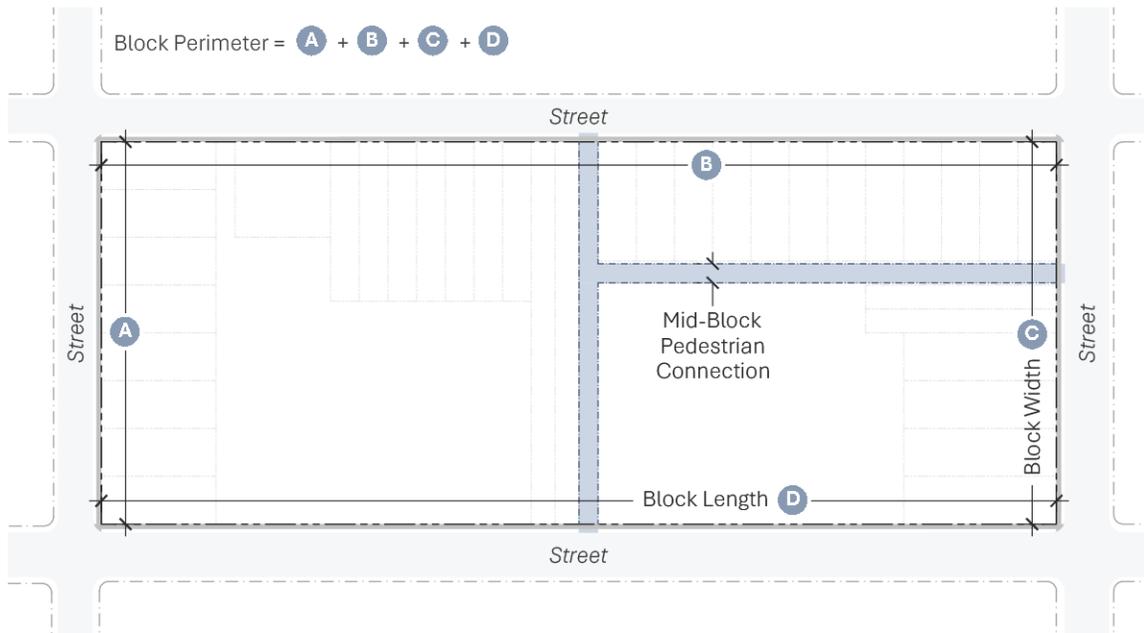
- (1) Maximum block length: 1,000 ft.
- (2) Minimum block length: 400 ft.
- (3) Maximum block width: 400 ft.
- (4) Maximum block perimeter: 2,800 ft.

(C) Driveway and Curb Cut Placement.

⁶ **Editor's Note:** Maximum block length of 1,000 ft. and minimum block length of 400 ft. have been retained from Section 33-40 of the existing Subdivision Ordinance. A maximum block width of 400 ft. and maximum block perimeter of 2,800 ft. have been newly introduced.

- (1) Driveway locations shall minimize conflict with pedestrian movement and limit the number of curb cuts along each block face.
 - (2) Curb cuts on primary streets shall be avoided when access from side streets or alleys is available, unless a modification or waiver is granted in accordance with **Section 10-2-7(F)**.
- (D) **Mid-Block Pedestrian Connections.** Mid-block pedestrian connections shall be required in developments where block lengths exceed 800 ft. or block perimeters exceed 2,400 ft., unless a modification or waiver is granted in accordance with **Section 10-2-7(F)**.
- (1) Mid-block pedestrian connections shall provide a continuous pedestrian path between a public sidewalk on a primary street and another public street, alley, open space, or trail. The route may traverse the interior of a block or development site.
 - (2) Mid-block pedestrian connections shall be a minimum of 15 ft. wide. Covered passageways shall have a minimum clearance height of 15 ft.
 - (3) The entrance to a mid-block pedestrian connection shall be located at least 125 ft. from the nearest intersection.
 - (4) Mid-block pedestrian connections shall remain open and accessible to the general public during daylight hours or the hours of operation of adjacent development, whichever is longer. Gates, barriers, or other obstructions are not permitted during required access hours.
 - (5) Curb stops shall be provided where the passageway abuts drive aisles or parking spaces to prevent vehicle encroachment.
 - (6) Mid-block pedestrian connections shall be physically separated from vehicle use areas and remain uninterrupted, except where it must cross a drive aisle. Such crossings shall occur at the shortest practical distance and be clearly marked to prioritize pedestrian safety.
 - (7) Mid-block pedestrian connections shall be surfaced with durable, ADA-compliant materials.
 - (i) Surfaces shall be sufficiently smooth to support use by pedestrians, strollers, and carts, while allowing visual contrast for crossings.
 - (ii) Curbing shall be used to separate the pedestrian connection from adjacent vehicle circulation areas.

Figure 10-1. Mid-Block Pedestrian Connection.



(E) Open Space Integration.

- (1) Publicly accessible open spaces may be used to terminate view corridors, break up long blocks, or serve as edge conditions for irregular blocks.
- (2) Pedestrian connections shall be provided from open spaces to adjacent public sidewalks. Where no sidewalk currently exists along an adjacent frontage, the pedestrian connection shall extend to the property line or right-of-way to facilitate future sidewalk connectivity.

(F) Modifications and Waivers.

- (1) **Block Length, Width, and Perimeter Modifications.** The Subdivision Agent may approve modifications to maximum block length, width, and perimeter requirements for any portion of a development site located within 600 ft. of a permanent feature that limits or prevents the extension of streets or pedestrian connections. Modifications may only be approved where the Administrator finds that full compliance is impractical due to physical, legal, or regulatory constraints and that the proposed block pattern maintains reasonable connectivity to the extent feasible. Qualifying features include, but are not limited to:
 - (i) Slopes exceeding 25%;
 - (ii) Limited-access highways;
 - (iii) Rail corridors;
 - (iv) Utility easements that prohibit construction of streets or sidewalks;

- (v) RPAs; and
- (vi) The following uses:
 - (a) *Public Parks and Recreation;*
 - (b) *Educational Facility, Post-Secondary or Professional;*
 - (c) *Educational Facility, Primary or Secondary;*
 - (d) *Cemetery, Public or Private.*
- (2) **Driveway and Curb Cut Placement Modifications.** The Subdivision Agent may approve a curb cut on a primary street if access from a side street or alley is not feasible due to physical constraints, existing development patterns, or lack of legal access. A waiver may also be granted where no reasonable alternative exists and the proposed curb cut minimizes conflicts with pedestrians and maintains the safety and character of the streetscape. The applicant shall demonstrate that no other access point is practicable and that the design meets applicable transportation and safety standards.
- (3) **Mid-Block Pedestrian Connection Modifications.** The Subdivision Agent may approve a modification to the mid-block pedestrian connection requirement if compliance is not feasible due to physical constraints, existing development patterns, or the absence of a connection point on an adjacent property. A waiver may also be granted where no reasonable alternative exists and the overall site design provides equivalent pedestrian access through internal walkways or open space. The applicant shall demonstrate that a direct connection is impracticable and that the proposed design maintains safe and functional pedestrian circulation consistent with the intent of this section.

Section 10-2-8. Streets; Alleys; Sidewalks.

(A) **Street Names and Signs.** The following standards shall apply to all new streets:

- (1) **Names.**
 - (i) Street names shall comply with **Chapter 98, Article II, Division 2** of the City Code.
 - (ii) A proposed street which is aligned with an existing street shall bear the same name as the existing street and names of existing streets shall not be changed.
 - (iii) In no case shall the name of proposed streets duplicate existing street names, regardless of the use of the suffix (e.g., Avenue, Boulevard, Drive, Way, Place, Lane, or Court).
 - (iv) Street names shall be subject to approval by the Subdivision Agent and conform with the city's specifications on signs. No name shall be used which duplicates or is likely to be confused with the name of an existing street.
- (2) **Street Name Signs.** Street name signs and related directional signage shall be erected and located in accordance with the specifications of the Subdivision Agent and the Director of Public Works.

(B) **Public Streets.** For purposes of this Ordinance, public streets are those that are dedicated to and accepted by the City of Petersburg.

- (1) **When Required.** All subdivisions created after the effective date of this Ordinance shall require public streets, unless it is in the ERC district or part of an approved PUD.⁷
- (2) **Existing Public Streets.** In cases where subdivision lots are created on an existing public street having a total width of less than 50 ft., a dedication of additional right-of-way to the City of Petersburg shall be provided, in accordance with **Section 10-2-15(A)(3)**.
- (3) **New Public Streets.** All new public streets shall be constructed with a compacted 6 in. stone base and in accordance with alignment, approach angle, access, width, grading, paving, and other specifications established by the City of Petersburg in effect at the time the subdivision is approved.
 - (i) If the City of Petersburg has not adopted specific street standards or specifications, the Department of Public Works shall determine the applicable requirements. In the absence of a specific standard, the Department may require compliance with Virginia Department of Transportation (VDOT) specifications or other recognized engineering standards.

(C) **Private Streets.**

- (1) If approved streets in a subdivision are not to be constructed to meet the standards necessary for acceptance by the City of Petersburg, or are not to be dedicated to the City of Petersburg, the subdivision plat and all deeds conveying lots in the subdivision shall contain a statement advising that the streets in the subdivision shall not be maintained by the City or the Department of Public Works, and where applicable, do not meet design standards established by the City of Petersburg.

(D) **Grade.**⁸

- (1) Grades on streets shall not be in excess of 5%, unless special conditions make it advisable to alter this rule, with the approval of the **Director of Public Works** in accordance with **Section 10-2-12(C)(3)**.
- (2) Alleys shall avoid grades in excess of 10%.
- (3) No street shall have a minimum grade of less than 0.4%.

(E) **Width.** Street widths shall be in accordance with **Table 10-1**.

⁷ **Editor's Note:** Provisions allowing private streets in the ERC district and a Planned Unit Development have been retained from Article 18.4 of the Zoning Ordinance and Section 33-41(E) of the Subdivision Ordinance, respectively.

⁸ **Editor's Note:** Grade specifications are retained from Section 33-38(s) of the Subdivision Ordinance.

Table 10-1. Minimum Street Widths

Street Type		Minimum ROW Width	Minimum Paved Width (Face to Face of Curb)
Arterial		80 ft.	52 ft.
Collector		60 ft.	36 ft.
Minor	Serving Commercial or Industrial Uses	60 ft.	46 ft.
	Serving Residential Uses	50 ft.	36 ft.
Marginal Access		40 ft.	30 ft.
Alley		20 ft.	20 ft.

(F) Intersections.⁹

- (1) All streets shall intersect as near to a 90-degree angle as is practical. If a street intersects at less than 90 degrees, the angle shall be rounded by a curve of sufficient radius to permit easy turning movements of vehicles and as acceptable by the Director of Public Works.
 - (i) No street shall intersect another at less than 60 degrees.
- (2) No street intersection shall include more than 4 street approaches.
- (3) **Minimum Corner Radius Requirements.**
 - (i) Property lines at the intersection of minor streets with each other or with alleys shall be rounded with minimum radius of 10 ft.
 - (ii) Property lines at the intersection of alleys with any streets shall be rounded with a minimum' radius of ten 10 ft.
 - (iii) Property lines at all other street intersections shall be rounded with a minimum radius of 20 ft.
- (4) Curb radii at street intersections shall be constructed as required by the Director of Public Works. Concentric curves on the property line may be required by the Subdivision Agent.
- (5) Driveways from parking areas shall be the minimum distance from intersections of arterial or collector streets as required by the Director of Public Works and located to cause the least interference with traffic movement.

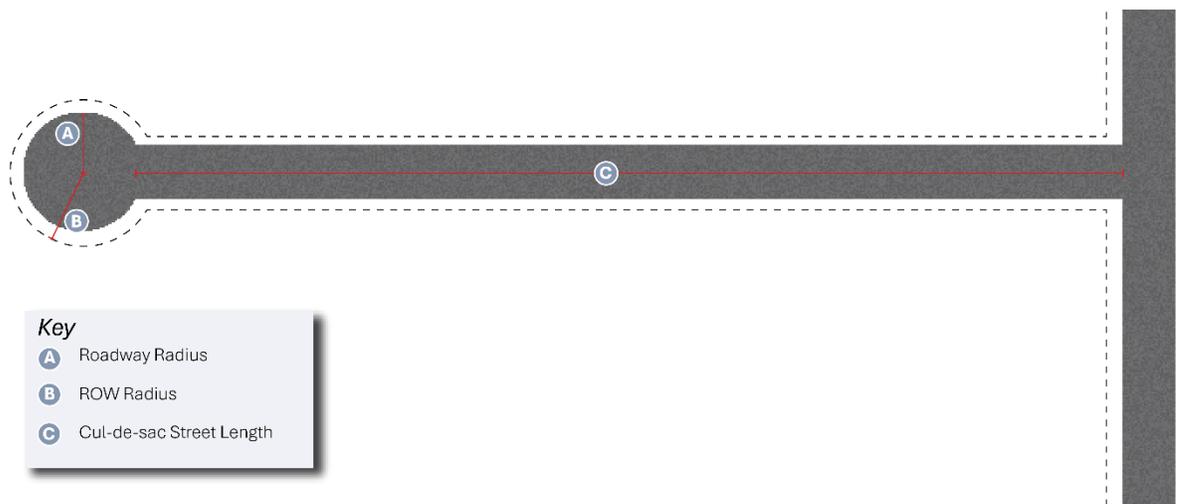
(G) Cul-de-Sacs.¹⁰ Any street which terminates at a point not intersecting another street shall be considered a cul-de-sac. The following standards shall apply to cul-de-sacs on any new streets:

⁹ **Editor’s Note:** Intersection standards retained from Section 33-38 of the Subdivision Ordinance, with minor additions for clarity and organization.

¹⁰ **Editor’s Note:** Cul-de-sac provisions retained from Section 33-38 of the Subdivision Ordinance, with minor revisions for clarity and organization.

- (1) Cul-de-sac streets are strongly discouraged but warranted when they protect natural features.
- (2) Except where unusual land configuration requires otherwise, cul-de-sac streets shall not be longer than 700 ft. to the turnaround.
- (3) All cul-de-sac streets shall be provided at the closed end with a circular turn-around having an outside roadway radius of at least 40 ft. and a right-of-way radius of at least 50 ft., except where other forms of turnaround are approved by the Director of Public Works as conforming to standard practice.
- (4) On streets intended for future extension, temporary turnarounds shall be provided by means of easements over private land adjoining the street. Such easements shall revert to the landowners at such time as the street road is extended.

Figure 10-2. Cul-de-Sacs.



(H) **Curbs, Gutter, and Sidewalks.** Pursuant to the Code of Virginia § 15.2-2241, curbs, gutters, and sidewalks shall be required on both sides of all new streets and along existing streets where new major subdivisions are approved.

- (1) Curbs and gutters shall be built to specifications of the Department of Public Works and shall be required on all streets, except when it is determined by the Director of Public Works that existing soil or site conditions would make this requirement impractical. Any such waiver shall be put into writing and include the reasons therefore and be made a part of the permanent application record.¹¹
- (2) The Subdivision Agent may approve sidewalks to be constructed on only one side of subdivisions when adjacent parcels contain sidewalks on only one side and such construction is in keeping with the Comprehensive Plan.

¹¹ **Editor's Note:** Provision retained from Section 33-62 of the Subdivision Ordinance.

- (3) The Subdivision Agent may approve dedication of ROW for curb, gutter, and sidewalks without construction when adjacent properties do not contain curb, gutter, and sidewalks and when such development is in keeping with the Comprehensive Plan.

(I) **Alleys.**

- (1) Alleys shall be required where needed for rear entry garages, service vehicles, deliveries, access to loading areas, and similar purposes.
- (2) Alleys providing rear access shall be required for townhouse developments.

(J) **Alignment and Layout.** The following standards shall apply to all new streets:

- (1) As required by § 15.2-2241 of the Code of Virginia, the arrangement of streets in new subdivisions shall make provisions for the continuation and coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area.
 - (i) Where appropriate, streets shall be extended to the subdivision boundary so that future extensions can be made into adjoining properties, which may be subdivided.
 - (ii) Half-width streets are prohibited. No residence shall be constructed with sole access from a half-width street.¹²
 - (iii) Overall street layout shall provide for safe movement of vehicular traffic while discouraging through traffic on residential streets.
 - (a) Streets for industrial subdivisions shall connect with collector or arterial streets so that no industrial traffic will be directed into any local street.
- (2) The street arrangement shall be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

(K) **Streetlights.**¹³ Streetlights shall be provided and installed along all new streets in accordance with the specifications of the Department of Public Works.

- (1) The recorded subdivider shall provide for necessary street light easements.
- (2) If the street light fixtures to be installed are above standard, the subdivider shall pay the differential.
- (3) The same type and design light shall be installed throughout the subdivision.

Section 10-2-9. Open Space.

Refer to **Article 8, Division 4** of this Ordinance.

¹² **Editor's Note:** Half-width streets are currently prohibited except where "essential to reasonable development of the subdivision..." per Section 33-38(o). This provision has been clarified to prohibit half-width streets altogether.

¹³ **Editor's Note:** Streetlight provisions retained from Section 33-59 of the Subdivision Ordinance; revised to require street lights on all new streets in accordance with Public Works.

Section 10-2-10. Monuments.¹⁴

(A) In accordance with the Code of Virginia § 15.2-2241 (7), permanent reference monuments shall be provided at all street corners, all property corners, all changes in direction of property lines, points where street lines intersect exterior boundaries, at angle points and points of curvature and tangency in each street, and any other points as may be required by the Subdivision Agent, in consultation with the Director of Public Works as needed.

- (1) Monuments shall be:
 - (i) Made of a permanent material, such as stone or concrete;
 - (ii) Twenty-four (24) in. in length and 6 in. square with a brass bolt or plate at the top; and
 - (iii) Set not less than 3 in. nor more than 9 in. below the finished grade and anchored or embedded to prevent movement.
- (2) The replacement of any monuments removed or destroyed during the development of the subdivision shall be the responsibility of the developer.
- (3) Upon completion of subdivision street, sewer, and other improvements, the developer shall make certain that all monuments required by this Ordinance are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Director of Public Works before any improvements are accepted by the City Council.
- (4) Any person, developer, builder, firm, or corporation shall take the necessary precautions to protect all monuments and metal markers during construction.

Section 10-2-11. Easements.¹⁵

(A) In accordance with the Code of Virginia § 15.2-2241(A)(2), platted and deeded easements may be provided across lots or overlapping or adjoining rear or side lot lines in order to:

- (1) Allow for adequate storm drainage facilities;
- (2) Allow for proper installation of water and sewer lines, whether immediately proposed or necessary for adequate service in the future;
- (3) Allow for cross-access between properties;
- (4) Allow for adequate pedestrian and bicycle access;
- (5) Allow for adequate right-of-way for street types;
- (6) Allow for adequate public access; and

¹⁴ **Editor's Note:** This Section includes the provisions of Section 33-56 of the current Subdivision Ordinance. Additional clarity has been added for monument materiality and inspection of monuments. A reference to the pertinent section of state code has also been added.

¹⁵ **Editor's Note:** This Section is materially the same as what is included in Section 33-39 of the current Subdivision Ordinance, but rewritten and reorganized for clarity. (C) is proposed as a new requirement.

- (7) Allow for adequate slope for roadway construction.
- (B) Easements shall be the minimum width necessary to both provide for installation of such utilities, infrastructure, or drainage and allow reasonable access for maintenance; however, in no case shall any easement be less than 10 ft. wide.
- (C) Wherever possible, easements should be adjacent and parallel to property lines.
- (D) If a subdivision includes a watercourse, drainage way, channel, or stream, a stormwater easement or drainage right-of-way shall be provided along it. The width and construction of the easement shall be the minimum necessary to manage drainage effectively.
 - (1) DEQ may allow modifications to the location of new watercourses, drainage ways, or channels, if the new layout provides equal or better drainage for the subdivision. Any approved changes shall be explained in writing, with specific reasons, and included in the permanent application record.¹⁶

Section 10-2-12. Utilities.

- (A) **Water.**¹⁷ Every subdivision shall be connected to the public water supply system.
 - (1) The subdivision water distribution system shall be adequate for the type of development proposed and for existing or potential surrounding development to form a logical part of a coordinated system.
 - (i) All provided water systems shall be planned and constructed to meet the specifications of the City, including connections for each lot and appropriately spaced fire hydrants, according to **Section 10-2-13**, below.
 - (ii) All new or replacement water supply systems, together with attendant facilities proposed to be located in the floodplain as defined and designated in **Chapter 58, Floods**, of the City Code shall be designed and constructed so as to minimize or eliminate flood damage, infiltration or inflow of floodwater into the system, and discharges or overflows from the systems into floodwaters.
 - (iii) Before construction commences, plans and specifications shall be reviewed and approved by the Subdivision Agent.
 - (2) Where public water supply is not available in accordance with **Chapter 114, Article II** of the City Code, the subdivider shall supply acceptable private water systems which shall be constructed to facilitate later connection with the public system.
 - (i) Privately provided general and individual water supply systems shall be permitted only when approved by the state health department, the Subdivision Agent, and the Director of Public Works.
- (B) **Sewer.**¹⁸ Every subdivision shall be connected to the public sanitary sewer system.

¹⁶ **Editor's Note:** New provision for modifications allowed if Virginia DEQ grants written approval.

¹⁷ **Editor's Note:** (A) is materially the same as Section 33-63 of the current Subdivision Ordinance.

¹⁸ **Editor's Note:** (B) is materially the same as Section 33-64 of the current Subdivision Ordinance.

- (1) The subdivision sanitary sewage collection system shall be adequate for the type of development proposed and for existing or potential surrounding development to form a logical part of a coordinated system, minimizing potential sanitary sewerage problems for the general area.
 - (i) All sewer systems, other than individual, shall be planned and constructed to meet the specifications of the City including adequately serving all lots, including lateral connections to the public system.
 - (ii) All new or replacement sanitary sewage systems, together with attendant facilities proposed to be located in the floodplain as defined and designated in **Chapter 58, Floods**, of the City Code, shall be designed and constructed to minimize or eliminate flood damage, infiltration or inflow of floodwater into the system, and discharges or overflows from the systems into floodwaters.
 - (iii) Before construction commences, plans and specifications shall be reviewed and approved by the Subdivision Agent.
 - (2) Where a public sanitary sewer system is not available in accordance with **Chapter 114, Article III** of the City Code, the subdivider shall provide a central treatment plant for a group or an individual disposal system for each lot within the subdivision. All such facilities shall be constructed to facilitate later connection or integration with the public system.
 - (3) Combinations of sanitary sewers and storm sewers shall be prohibited.
- (C) **Drainage.**¹⁹ A drainage system shall be provided for by means of culverts under roadways, side, lead and outlet ditches and other structures that are necessary to provide adequate drainage of both natural water and stormwater for all streets within the subdivision and adjoining properties, in accordance with **Chapter 50, Article IV** of the City Code and DEQ's most recent edition of the Virginia Stormwater Management Handbook.
- (1) The Subdivision Agent, in consultation with the Director of Public Works, shall have the authority to determine what shall be adequate with respect to storm sewer facilities within a subdivision.
 - (2) No Site Plan or drainage plan may be designed in a way that causes water to collect on or flow onto neighboring properties in a way that harms existing development or creates future development problems, unless all affected neighboring property owners give written consent and the Department of Public Works approves it.
 - (3) The Department of Public Works may also require changes to the plan or set specific elevation and grade requirements to ensure proper drainage, even if the proposed drainage is suitable for the site alone.
 - (4) Where required by the Director of Public Works, underground storm sewers meeting specifications of the Department of Public Works shall be installed. Elsewhere, open drainage ways meeting specifications of the Department of Public Works shall be used.

¹⁹ **Editor's Note:** Materially the same as Section 33-62 of the current Subdivision Ordinance.

(D) **Utility Lines.**²⁰

- (1) All transmission, distribution and customer service utility facilities carrying or used in connection with electric power, streetlights, telephone, cable television, petroleum, gas or steam shall be underground, except for the following:
 - (i) Equipment such as electric distribution transformers, switchgear, meter pedestals, telephone pedestals, meters, service connections and the like normally installed above ground in accordance with accepted utility practices for underground distribution.
 - (ii) Temporary overhead facilities required for construction purposes.
 - (iii) High tension transmission lines of 50,000 volts or more.
- (2) All installations shall comply with all applicable local, state, and federal regulations, and shall be in accordance with charges as approved by the State Corporation Commission.

Section 10-2-13. Fire Protection.²¹

Fire hydrants shall be installed in subdivisions at locations designated by the fire chief and the Director of Public Works at the time of an upgrade, extension, or construction of a public water system.

Section 10-2-14. Erosion and Sediment Control.

- (A) Development disturbing the following land areas shall comply with requirements for erosion and sediment control in accordance with **Chapter 122, Article II** of the City Code and the most current version of DEQ’s Erosion and Sediment Control Handbook.
- (1) Located in the Chesapeake Bay Preservation Area: 2,500 sq. ft. or more.
 - (2) Located outside of the Chesapeake Bay Preservation Area: 10,000 sq. ft. or more.

Section 10-2-15. Public Facilities.

- (A) **Dedication of ROW.** Dedications of easements and/or ROW to the City for public use shall be in accordance with Code of Virginia § 15.2-2241(5), in addition to any requirements of **Section 10-2-11**.
- (1) The City Council is not required to compensate the project developer for any dedicated land or improvements.
 - (2) The land and improvements to be dedicated shall be set apart on the Final Plat and shall be identified by a note on the plat stating that the land is dedicated for public use.

²⁰ **Editor’s Note:** Retained from Section 33-65 of the current Subdivision Ordinance.

²¹ **Editor’s Note:** Materially the same as Section 33-63(f) of the current Subdivision Ordinance. Edits have been made to include the fire chief in review.

- (3) When a project abuts one side of an existing or platted street, the project developer shall dedicate at least half of the ROW necessary to make the street comply with the minimum width required for the street as designated in **Section 10-2-8**.
- (B) **Dedication of Water and Sewer Utilities.** A developer shall dedicate to the City for public use all water and sewer systems designed, constructed, and approved to be dedicated as public water and sewer systems.
- (1) Each developer shall establish an easement on the land for such facilities, extending to any adjacent property owned by the developer, if the facilities are required by this Ordinance, as follows:
- (i) The City Council is not required to compensate the project developer for any dedicated systems or the establishment of such easement.
 - (ii) The systems to be dedicated and any easement to be established shall be specifically identified and set apart on the Final Plat, and must be identified by a note on the plat stating that the facilities are dedicated to, and the easement established for, the City of Petersburg.
 - (iii) All Final Plats containing proposed public easements shall expressly reference a declaration of the terms and conditions of such public easements recorded with the subdivision plat in the City's land records.

Section 10-2-16. Reservation.²²

- (A) A developer may reserve for future dedication to the City a part of the property suitable for parks, schools, playgrounds, open space, or other public facilities or uses, subject to the following provisions:
- (1) The City Council is not required to compensate the developer for the reservation of land if the dedication is a gift, required by a proffer as part of a conditional zoning, required as a condition of a SUP, Variance, or other approval, or if the need for the land is substantially generated by the project.
- (i) The determination of whether the need for land is substantially generated by the project will be made in the manner prescribed by **Section 10-2-18(D)(2)(ii)**.
 - (ii) Land dedications shall not be deemed accepted by the City unless and until formally accepted by City Council. Prior to final plat approval, the City Attorney may require the submittal of a deed of dedication for review and approval, which shall be recorded concurrently with the final plat.
- (2) Land reserved under this Section shall be shown with dotted lines on the Final Plat and identified by a note on the plat stating that the land is reserved for future dedication for public use.

²² **Editor's Note:** (B) is retained from Section 33-42(a) and (b) of the current Subdivision Ordinance. Edits have been made for clarity.

- (3) The developer may petition the City Council to release a reservation if the land is not used for a public purpose.²³
- (4) During that period in which the land is reserved, the land shall be assessed at raw land value.
- (5) Nothing in this Section precludes land being reserved for a public use which is not included in the Comprehensive Plan, provided the land is acceptable to the City for reservation.

Section 10-2-17. Homeowners' Associations (HOA).²⁴

- (A) Common areas – such as private streets, open space, utilities, or stormwater management facilities – provided by the subdivider or developer within any Major or Minor Subdivision, shall be conveyed to a homeowners' association (HOA) created for the subdivision, if not dedicated to and accepted by the City.
 - (1) Private driveways, shared driveways, and access easements with road maintenance agreements are not required to be conveyed to the HOA.
- (B) The developer shall file a declaration of covenants and restrictions that will govern the HOA. Such covenants and restrictions shall include at least the following provisions:
 - (1) The HOA including by-laws, covenants and restrictions, and articles of the association or corporation must be set up and legally constituted prior to the sale of any lots, dwellings, or structures within the subdivision.
 - (2) The HOA shall be fully functional before 25% of the lots or homes (whichever is used for assessment) are sold. Until then, the developer is responsible for the maintenance of and associated costs of open space, private streets, and other common facilities.
 - (3) All covenants and restrictions shall be at least 25 years, run with the land, and apply to all lots and dwelling units located within the subdivision.
 - (4) The HOA shall be responsible for liability insurance, local property taxes, and the maintenance of any private streets, land, communally owned facilities, and swim facilities.
 - (5) Homeowners shall pay their pro-rata share of the cost of the above through assessment levied by the HOA, which shall become a lien on each homeowner's property. Every lot or landowner shall have the right to petition a court of competent jurisdiction to ensure the HOA adequately fulfills its responsibilities.
 - (6) The HOA must be able to adjust assessments to meet changing needs.
 - (7) The HOA shall be organized as a nonprofit unincorporated association or nonprofit corporation, managed by either a trained professional or a Board of Directors elected by

²³ **Editor's Note:** This replaces the current provision that authorizes the developer to decide an alternative use for the land should it no longer be reserved/used for a public purpose.

²⁴ **Editor's Note:** Section 33-42 briefly addresses the creation of HOAs. This is a new Section proposed to expand on that language, both for clarity and full compliance with applicable provisions of state code.

the voting members of the HOA. In accordance with the Code of Virginia § 15.2-2256, the Board of Directors or other managing professional charged with collection of fees and the maintenance of common improvements shall provide an annual report to the lot owners of all fees collected and disposition of all funds.

(8) Only lots or dwelling units shown on the approved Final Plat may be assessed by the HOA.

(9) All lots or landowners shall have membership in the HOA.

(C) The City of Petersburg shall bear no responsibility for enforcement, administration, or otherwise of any established HOA.²⁵

Section 10-2-18. Obligation of Improvements.

(A) All improvements and facilities required by this Article shall be installed by the developer at their cost and are not the responsibility of the City, as outlined in the Code of Virginia § 15.2-2268.

(B) The installation of improvements or the offer of dedications shall in no case bind the City to accept such improvements or offers to dedicate.

(1) Upon certification of completion of any required improvements of this Article, the Director of Public Works is authorized to accept, on behalf of the City, such dedications and/or improvements as the City may be prepared to accept and maintain.

(C) No bond or other surety posted by the developer shall be released until construction has been completed, inspected, and approved. Periodic partial release is allowed as outlined in the Code of Virginia § 15.2-2245 and **Section 10-3-4**, below.

(D) Subdivision review shall be approved on the condition that the developer contributes a pro rata cost share of the cost of the following off-site improvement:

(1) Each developer shall pay to the City their pro rata share of the cost of providing reasonable and necessary water, sewer, and drainage improvements not located on the property, if such improvements are at least partially necessitated or required by the construction or improvement of the development, provided that:

(i) No payment will be required until the City establishes a general sewer, water, and drainage improvement program for an area having related and common sewer, water, and drainage conditions and within which the property is located or the City Council has committed itself by Ordinance to the establishment of such a program; and

(ii) The program complies with the requirements of the Code of Virginia § 15.2-2243.

(2) Each development may voluntarily contribute, and the City Council may accept, funds for reasonable and necessary off-site street improvements, the need for which is substantially generated and reasonably required by the construction or improvement of the development.

²⁵ **Editor's Note:** Note that Section 33-42(c)(5) states that the Planning Commission and City Attorney must review and approve HOA agreements; however, this provision has been excluded as it is not legal in Virginia.

- (i) The determination of whether the need for an improvement is substantially generated and reasonably required by the development shall be made by the City Council.
- (ii) In determining whether the need for an improvement is substantially generated by the development, the City Council shall consider whether:
 - (a) The impact of the project would create a threat to the public health, safety, or welfare if not addressed by the improvement;
 - (b) The street improvement is identified in the City’s Capital Improvement Program;
 - (c) The street improvement is identified in the Comprehensive Plan as a needed or desired improvement; and
 - (d) The need generated is more than an incremental effect that would otherwise result, as determined by annual population growth, vehicular traffic volume, or other relevant criteria.

Division 3. Guarantees.

Section 10-3-1. Required to be Guaranteed.

- (A) Pursuant to the Code of Virginia § 15.2-2245 and as provided in this Ordinance, prior to approval of the final plat, all improvements required in this Article shall be constructed prior to the granting of the final plat approval by the Subdivision Agent, or the subdivider shall furnish the Subdivision Agent with a surety or certified check for the amount of the estimated construction cost for the ultimate installation and initial maintenance of the improvements.
 - (1) The bond shall be payable to, and held by, the City, in a form acceptable by the City Attorney in accordance with **Section 10-3-2**, below.
 - (2) In accordance with Code of Virginia § 15.2-2241 (B), any certified check, cash escrow, bond, letter of credit or other performance guarantee furnished pursuant to this Article shall only apply to, or include the cost of, any facility or improvement shown or described on the approved Final Plat or plan of the project for which such guarantee is being furnished. The guarantee shall remain in full force and effect until released, in accordance with the provisions of this Ordinance.
- (B) **Guarantees for Dedicated Public Uses.** In accordance with Code of Virginia § 15.2-2241.1, provided the developer and the City Council have agreed on the delineation of sections within a proposed development, the developer shall be required to furnish a bond for construction of public facilities only when construction plans are submitted for the section in which such facilities are to be located.
- (C) **Guarantees for Other Improvements.** Other improvements requiring a guarantee include, but are not limited to:
 - (1) Structures necessary to ensure stability of critical slopes, and for stormwater management facilities;

- (2) Erosion and sediment control measures required as a condition to grading, building, or other permits;
- (3) Any privately-owned site-related improvements, including but not limited to fencing, landscaping, buffering, internal sidewalks, lighting, paving, and private recreational facilities required by this Ordinance but not completed prior to issuance of a CO.

Section 10-3-2. Types of Guarantees.

- (A) The developer shall provide a guarantee to the City for acceptance by the Subdivision Agent or City Attorney. Such guarantee may be a:
- (1) Performance bond, executed by a surety company licensed to do business in the Commonwealth of Virginia;
 - (2) Letter of Credit,²⁶ executed by a bank licensed to do business in the Commonwealth of Virginia; or
 - (3) A cash escrow, which the applicant shall provide to the City of Petersburg in the form of cash or cashier's check.

Section 10-3-3. Amount.

- (A) The guarantee shall be provided in the following amount:
- (1) Total estimated cost of construction based on unit prices, approved by the Subdivision Agent; plus
 - (2) An additional 10% of the total estimated cost of construction to cover administrative costs, inflation, and potential damage to existing roads or facilities, as permitted by Code of Virginia § 15.2-2241.

Section 10-3-4. Release.²⁷

- (A) As outlined in the Code of Virginia § 15.2-2245, the subdivider may apply for the periodic partial and final, complete release of any bond required under this Article.
- (B) **Periodic Partial Release.** Upon the completion of at least 30% of the improvements covered by a performance guarantee, the applicant may file a written request with the Subdivision Agent for a partial release of such guarantee.
- (1) In consultation with the Director of Public Works, as deemed reasonably necessary, the Subdivision Agent may inspect the facilities for conformance with the terms and conditions of the approved plan and specifications for the facilities for which the guarantee is applicable.

²⁶ **Editor's Note:** Recommend accepting letters of credit in addition to cash escrow and performance bonds (see Section 33-82 of the current Ordinance).

²⁷ **Editor's Note:** This Section replaces Section 33-83 of the current Subdivision Ordinance. The procedures for bond release have been expanded to include reference to the pertinent section of state code and to clarify procedures related to as-built plans and defect bonds.

- (2) The Subdivision Agent shall not refuse to make a periodic partial or final release of guarantee for any reason not directly related to the specified defects or deficiencies in construction of the facilities covered by such bond, escrow, letter of credit or other guarantee.
 - (3) The Subdivision Agent shall act upon the written request for a partial release within 30 days of receipt.
 - (4) If no action is taken by the Subdivision Agent within the 30-day time period, the request for partial release shall be approved, and a partial release shall be granted to the developer.
 - (5) Up to 90% of the original amount of the performance guarantee may be released through periodic partial releases, based upon the percentage of public facilities completed and approved by the City or other agency having jurisdiction.
- (C) **Final Release.** Upon final completion of the facilities, the developer may file a written request for final release of the guarantee.
- (1) The Subdivision Agent may inspect the facilities for conformance with the terms and conditions of the approved plan and specifications for the facilities for which the guarantee is applicable.
 - (2) The Subdivision Agent shall either accept the facilities, request and receive the defect bond, and release the remaining guarantee or notify the applicant that the facilities are not accepted and that there are specific defects or deficiencies in construction.
 - (3) If the Subdivision Agent fails to act within the 30-day time period, then the applicant may make an additional request in writing for final release, sent by certified mail to the City Manager.
 - (i) The City Manager shall act within 10 working days of the request.
 - (ii) If no action is taken, the request shall be deemed approved and final release granted to the applicant.
- (D) For the purposes of this Section and as defined in the Code of Virginia § 15.2-2245, the term "acceptance" means when the public facility is accepted by and taken over for operation and maintenance by the State agency, local government department or agency, or other public authority which is responsible for maintaining and operating such public facility upon acceptance.
- (E) **As-built Plans.** These plans shall be required prior to the release of any guarantee and the developer shall certify that all agreed upon standards have been met.
- (1) If a periodic release is requested, the As-built Plans and certification for that phase of the development shall be provided prior to release of that portion of the guarantee.
 - (2) As-built plans shall be provided on an approved durable tracing medium prior to posting a defect bond or at the time of posting such bond.

- (F) **Defect bonds.**²⁸ A defect bond or other surety shall be provided at the time any improvement is proposed to be accepted for dedication, maintenance, or operation by the City.
- (1) The amount of the bond shall be 5% of the total construction cost of the improvement or a bond with surety satisfactory to the City Attorney in an amount sufficient for coverage costs of remedy of defects appearing in such improvements within 2 years.
 - (2) The defect bond shall be released at the end of 2 years from the date of City acceptance of responsibility.
 - (i) Such release shall be in full if no defects have been found to exist, or if defects found to exist have been corrected by the owner or developer.
 - (ii) If defects found to exist have been corrected by action of the City, the costs of such action shall be deducted from the defect bond.
 - (iii) If defects found to exist within the 2-year period have not been corrected after proper notice by the end of such period, the Subdivision Agent shall make an estimate of cost of correction and such cost shall be deducted from the defect bond, and any balance remaining as a result of lesser actual than estimated cost shall be paid to the owner or developer.

Section 10-3-5. Timeframe and Extensions for Completion.

- (A) The maximum period for the developer to complete guaranteed improvements shall be 24 months, unless extended in accordance with (B), below.
- (B) If guaranteed improvements are not completed in a timely manner acceptable to the City, the Subdivision Agent may proceed via the provisions for default or allow an extension of time for the completion of facilities, not to exceed 1 year, provided that:
- (1) All surety consents have been acquired and approved by the City;
 - (2) The owner has submitted an acceptable revised schedule for completion; and
 - (3) Inspection of existing physical improvements is found to be satisfactory.
- (C) The Subdivision Agent may request a new cost estimate should the extension of time exceed 1 year.

Section 10-3-6. Default.

- (A) In the event of default in the construction of guaranteed facilities, the Subdivision Agent is authorized to take such action as may be required to protect the City of Petersburg including, but not limited to:
- (1) Draw or make demand on the owner or developer's security;
 - (2) Contract for the completion of the work, following the rules for public procurement; and

²⁸ Editor's Note: Replaces Section 33-82 of the current Subdivision Ordinance.

- (3) Bring an action at law against the owner, developer, financial institution, or surety.

Division 4. Platting Requirements.

Section 10-4-1. Preapplication Conference.²⁹

- (A) Before filing an application for plat approval, the subdivider shall confer with the Subdivision Agent and such other City department heads as the Subdivision Agent deems necessary. Such action shall not require formal application, fees, or filing of a plat and is not to be construed as application for approval of a plat in computing time limitations of approval.
- (B) The subdivider may choose to present a general Sketch Plat of their proposal during the preliminary conference. If such Sketch Plat is presented, the following shall be shown at a minimum:
 - (1) Existing physical features such as natural drainageways, swamps, and wooded areas;
 - (2) Existing easements and covenants affecting the property;
 - (3) Surrounding land uses, streets, and existing buildings;
 - (4) A written description regarding future land use, street and lot arrangement, number of lots, and tentative lot sizes;
 - (5) Preliminary proposals regarding water supply, sewage disposal, surface drainage, street improvement and land to be dedicated for public streets and other public uses; and
 - (6) Evidence of consultation with, and tentative approval of, public utility companies concerned.
- (C) The Subdivision Agent shall discuss the proposed subdivision with the developer and advise of procedural steps, design and improvement standards, and general plat requirements. The Subdivision Agent shall then proceed with the following investigations:
 - (1) Advise the developer of existing City plans which might affect the proposed subdivision;
 - (2) Check the existing zoning of the tract and make recommendations if a zoning change is necessary or desirable; and
 - (3) Inspect the site or otherwise determine its relationship to existing and proposed streets, utility systems and adjacent land uses and determine any known problems.

Section 10-4-2. Approval Required Before Sale.

- (A) No person shall sell, convey, or record a deed to land subdividing off a parcel without making and recording a Final Plat of such subdivision and without fully complying with the provisions of this Article.

²⁹ **Editor's Note:** Retained from Section 33-19 of the current Subdivision Ordinance. The option to submit a sketch plat is introduced, with parameters have been established for sketch plats so that if a developer does choose to present it, the included information is sufficient in helping the Subdivision Agent provide direction. Additionally, reference to the Planning Director has been changed to the Subdivision Agent for internal consistency.

(B) No Final Plat shall be approved unless all lots shown thereon comply with all applicable requirements of this Ordinance.

Section 10-4-3. Subdivision Name.

If applicable as determined by the Subdivision Agent, every subdivision shall be given a name which shall not duplicate or closely approximate that of any other subdivision existing or planned.

Section 10-4-4. Changes to Plats.

No change, erasure or revision shall be made on any preliminary or final plat, nor on accompanying data sheets, after approval has been endorsed, in writing, on the plat or sheets, unless authorization for such change has been granted in writing by the Subdivision Agent.

Section 10-4-5. Separate Ownership.

Where the land covered by a subdivision includes 2 or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides 1 or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneous with the recording of the plat. Said deed is to be deposited with the Subdivision Agent and held with the plat until the subdivider is ready to record same, and they both shall then be recorded together.

Division 5. Preliminary Plats.

Section 10-5-1. Applicability.

(A) In accordance with the Code of Virginia § 15.2-2260, all proposed major subdivisions involving more than 50 lots must submit a Preliminary Plat for approval.

(B) For any instances where a preliminary plat is not required in accordance with (A), above, the developer may have a preliminary conference and voluntarily provide a Sketch Plat, as outlined in Section 10-4-1(B), prior to submission of a Final Plat.

Section 10-5-2. Preliminary Plat Requirements.³⁰

(A) **General.**

- (1) All Preliminary Plats shall be prepared by a qualified professional engineer or land surveyor trained and experienced in the layout of subdivisions and licensed to do so within the Commonwealth of Virginia.
- (2) All Preliminary Plats shall be blue-line or black-line prints on sheets a minimum of 24" x 36" in size, or a maximum of 30" x 42" in size, and at a scale of not more than 100 ft. to the inch.

³⁰ **Editor's Note:** This Section incorporates the preliminary plat requirements identified in Section 33-21 of the current Subdivision Ordinance. Additional requirements have been added to ensure submittal of robust and accurate plats for review. These requirements can be further amended by the City as desired.

- (3) The Subdivision Agent may permit a different scale size, if it can be determined that all pertinent information can be clearly shown with a different scale.
- (4) North arrows and graphic scales shall be provided on each sheet, as applicable.

(B) Contents.

- (1) **Cover Page.** A cover page shall be included for each Preliminary Plat that provides:
 - (i) A title block denoting the type of application, tax map number, lot number, the total number of sheets, and a signature line for the approving authority.
 - (ii) Names and addresses of the owners of record;
 - (iii) Names and email address of the developer;
 - (iv) Name and email address of person preparing the Preliminary Plat and professional seal, if applicable;
 - (v) Date of drawing (including any revision dates) and a list of revisions, if applicable;
 - (vi) A match-line key plan, if shown on more than one sheet. Match-lines shall clearly indicate where the several sheets join. Each sheet shall be consecutively numbered (e.g., 1 of 5 etc.);
 - (vii) A vicinity or location map to a scale of 1" = 2,000' showing the location of the proposed subdivision with respect to adjoining property, including the area within 1/2 mile. In addition, this map shall show the relationship of the proposed subdivision to the existing community facilities which serve or influence it, including main traffic arteries, school(s), parks and playgrounds; and
 - (viii) A note of any features shown on the Preliminary Plat that were acquired from the City of Petersburg GIS inventory.

Section 10-5-3. Preliminary Plat Submission.

- (A) Preliminary Plat submission shall include a written application by the developer or their representative, on forms provided by the City, and the Preliminary Plat.
- (B) One (1) physical copy and one (1) digital PDF copy of the Preliminary Plat shall be submitted to the Subdivision Agent.³¹
- (C) The Preliminary Plat, accompanied by the proper filing fee, shall be considered officially filed on the day it is received in the office of the Subdivision Agent and shall be so dated.

³¹ **Editor's Note:** The submission format of preliminary plats is based on what is currently required on the City's Application for Approval of a Subdivision Plat.

Section 10-5-4. Preliminary Plat Review.³²

(A) The Subdivision Agent shall act according to the Code of Virginia³³ §§ 15.2-2222.1, 15.2-2259, 15.2-2260, and 15.2-2269 regarding preliminary plat review procedures and timeframes of review, resubmittals, and other agency reviews.

(B) Effect and Validity.

- (1) Approval of a Preliminary Plat shall not constitute approval of the Final Plat. It shall be deemed as an expression of approval of the layout submitted on the Preliminary Plat as a guide to the preparation of the Final Plat.
- (2) Pursuant to the Code of Virginia § 15.2-2260, an approved Preliminary Plat shall be valid for a period of five (5) years, provided the developer:
 - (i) Submits a Final Plat for all or a portion of the property within one year of such approval; and
 - (ii) Thereafter diligently pursues approval of the Final Plat, meaning that the developer has incurred extensive obligations or substantial expenses relating to the submitted Final Plat or modifications thereto.
 - (iii) If, as determined by the Subdivision Agent, approval of the Final Plat is not diligently pursued no sooner than three (3) years following such Preliminary Plat approval, the Subdivision Agent shall provide the subdivider with 90 days written notice by certified mail that because approval has not been diligently pursued, the approval of the Preliminary Plat has been revoked.
 - (a) "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto.
- (3) Pursuant to the Code of Virginia § 15.2-2260, once an approved Final Plat for all or a portion of the property is recorded, the underlying Preliminary Plat shall remain valid for a period of five (5) years from the date of the latest recorded Final Plat of subdivision for the property.

Section 10-5-5. Changes to Preliminary Plats.

(A) Technical Changes.

- (1) If it becomes necessary for an approved Preliminary Plat, or accompanying data sheets, to be changed, the Subdivision Agent may, at the applicant's request, approve technical changes to such Plat. The nature of technical changes are those that:
 - (i) Do not alter the basic design or layout of the subdivision;

³² **Editor's Note:** This Section replaces Section 33-22 of the current Subdivision Ordinance. The review process remains materially the same, but has been updated for clarity and for full compliance with the Code of Virginia.

³³ **Editor's Note:** Propose simply referencing the Code of Virginia rather than restating all included requirements. This helps maintain compliance while accounting for the most current updates, including those that took effect on July 1, 2025.

- (ii) Do not alter the functional interrelationship of the individual features of the subdivision to each other and surrounding properties; and
 - (iii) Comply with the provisions of this Article or other applicable Articles of this Ordinance, in effect at the time of Preliminary Plat approval:
- (2) Technical changes include:
- (i) Changes to correct demonstrated errors;
 - (ii) Changes to name of the subdivision or the name of a street;
 - (iii) Adjustment of the location of lot lines;
 - (iv) Relocation or addition of utility easements;
 - (v) Changes in response to amendments to City ordinances; or
 - (vi) Other changes which are clearly of a similar technical nature.
- (3) A request for approval of a technical change shall be made in writing to the Subdivision Agent on an application provided by the City. The request shall fully describe the change and provide reasonable justification for the granting of the change.
- (4) The Subdivision Agent shall either approve or disapprove the change within 30 days of the request.

(B) **Major Changes.** Any change to an approved Preliminary Plat or accompanying data sheets, beyond those technical changes provided in (A), above, shall require review of the Plat under the procedures of **Section 10-5-4(A)** for original review and approval.

Division 6. Final Plats.

Section 10-6-1. Applicability.

- (A) Final Plats shall be required for all subdivisions, BLAs, consolidations, and easements..
- (1) If a subdivision requires a Preliminary Plat, as provided in **Section 10-5-1**, above, Final Plat submission shall be after the Preliminary Plat is approved.
 - (2) Plat details shall meet the standard for plats as adopted under the Virginia Public Records Act, Code of Virginia § 42.1-76 et seq.
 - (3) All surveys shall meets current surveying practices as administered by the State and provided in Virginia Administrative Code 18VAC10-20-370, as amended.

Section 10-6-2. Final Plat Requirements.

- (A) All Final Plats shall conform to the requirements established in this Section.
- (B) **General.**

- (1) All Final Plats shall be prepared by a qualified professional engineer or land surveyor trained and experienced in the layout of subdivisions and licensed to do so within the Commonwealth of Virginia.
- (2) All Final Plats shall be blue-line or black-line prints on sheets a minimum of 24" x 36" in size, or a maximum of 30" x 42" in size, and at a scale of not more than 100 ft. to the inch.
 - (i) The Subdivision Agent may permit a different scale size, if it can be determined that all pertinent information can be clearly shown with a different scale.
- (3) North arrows and graphic scales shall be provided on each sheet.

(C) Contents.

- (1) **Cover Page.** A cover page shall be included for each Final Plat that provides:
 - (i) A title block denoting the type of application, subdivision name, tax map number, lot number, the total number of sheets, and a signature line for the approving authority;
 - (ii) Name, email address, and mailing address of the individual preparing the Final Plat and professional seal, if applicable;
 - (iii) Date of drawing (including any revision dates) and a list of revisions, if applicable;
 - (iv) Reference to the deed book, page number, and/or instrument number where the title is recorded;
 - (v) Zoning designation of the property being divided;
 - (vi) The minimum width, setback, and area requirements of all lots, including the remaining property from which the lot is subdivided;
 - (vii) A match-line key plan, if shown on more than one sheet. Match-lines shall clearly indicate where the several sheets join. Each sheet shall be consecutively numbered (e.g., 1 of 5, etc.);
 - (viii) For major and minor subdivisions only, a vicinity or location map to a scale of 1" = 2,000' showing the location of the proposed subdivision with respect to adjoining property, including the area within ½ mile. In addition, this map shall show the relationship of the proposed subdivision to the existing community facilities which serve or influence it, including main traffic arteries, school(s), parks and playgrounds;
 - (ix) The names of adjoining streets, state highways and subdivisions shown in their proper location; and
 - (x) A note of any features shown on the Plat that were acquired from the City of Petersburg GIS inventory.
- (2) **Survey Data.**
 - (i) A boundary survey with a field error of closure that meets current surveying practices as administered by the State and provided in Virginia Administrative Code 18VAC10-20-370;

- (a) The survey may be related to the United States Geological Survey (USGS) state grid north if the coordinates of two adjacent corners of the subdivision are shown. Dimensions shall be expressed in feet and decimals of a foot.
 - (ii) Delineation and location of all wetlands, floodplain areas, Chesapeake Bay Preservation Areas, USGS perennial and intermittent streams, and other bodies of water;
 - (a) If a proposed subdivision borders a lake, the name shall be noted and bearings of the ordinary high-water mark of such lake must be established;
 - (b) If an active watercourse, including a periodic/intermittent stream, lies adjacent to or transverses the property, its name, if known, shall be noted and if the name of stream is unknown the stream shall be labeled as an “unnamed tributary.”
 - (c) The plat preparer shall submit drainage divides, easements, building setback lines, and supporting calculations based upon 100-year flood, as shown by Federal Flood Insurance Program.
 - (iii) The approximate location of any buffer area as required by Chapter 122, Article II of the City Code of Ordinances;
 - (iv) A topographic map with a contour interval of not greater than 10 ft. showing the total area covered by the subdivision properly related to USGS data and showing the boundary lines of the tract to be subdivided with designated floodplain districts delineated;
 - (v) Total acreage of the parcel to be divided (or square feet if less than an acre); The location of all monuments and their type of materials;
 - (vi) The location and dimensions of any existing structures;
 - (vii) The data of all curves along the street frontages shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, tangent, chord, and chord bearings; and
 - (viii) If applicable to the parcel(s) being subdivided, all City of Petersburg Tax Map Sheet Grid lines present on, or located across, the subject parcels.
- (3) **Streets, Easements, and Rights-of-way.** The following shall be required on Final Plats for major subdivisions only:
- (i) Names, locations, and dimensions of all existing and proposed streets, easements (and owner’s names), rights-of-way, and access points/driveways;
 - (ii) The names of adjoining or abutting streets, state highways, and subdivisions shown in their proper location;
 - (iii) Typical cross-sections for proposed streets and other ROW; and
 - (iv) The total acreage used for all streets.

- (4) **Utilities and Public Facilities.** The following shall be required on Final Plats for major subdivisions only:
- (i) Names, locations, and dimensions of all existing and proposed parks, cemeteries, permanent buildings, and bridges located within 300 ft. of the subdivision;
 - (ii) Existing sewers, water mains, culverts and drainpipes, transmission lines, railroads, and other structures (including those underground) within the tract or immediately adjacent thereto;
 - (iii) The location and size of the nearest public or semi-publicly owned water main and sanitary and storm sewers are to be indicated.
 - (iv) Location and area of all property proposed to be dedicated or reserved for public use or to be reserved by deed covenant for use of all property owners in the subdivision with the conditions, if any, of such dedication or reservation; and
 - (v) Location of stormwater management facilities, and other structures/facilities required for soil and erosion control.
- (5) **Natural and Historic Resources.**
- (i) Location of historic landmarks, historic district boundaries, Virginia Natural Heritage sites and known historic features;
 - (ii) Location of any mapped dam break inundation zones; and
 - (a) A developer shall supply an engineering study if a development lies within a dam break inundation zone, in accordance with the Code of Virginia § 15.2-2243.1.
 - (iii) Location of any grave, object, or structure marking a place of burial.
- (6) **Tracts, Lots, and Blocks.**
- (i) The name of the owner, use, zoning district, approximate property lines, and the instrument number or deed reference of each adjacent tract, including those tracts that may be located across a street from the subdivision.
 - (ii) Location and names of abutting subdivisions;
 - (iii) If the subdivision consists of land acquired from more than one source of title, the property boundary lines and names of the owners of the various tracts shall be identified;
 - (iv) Names of owners of all adjoining land and indications of property lines, which intersect the boundary of the tract being subdivided.
 - (v) The length and bearings of boundary lines of all existing and proposed lots and blocks located within the subdivision, except that when the lines in any tier of lots are parallel, it shall be sufficient to make bearings of the outer lines of said tier.
 - (a) All lots in each block shall be consecutively numbered.

- (b) All blocks shall be consecutively numbered in numerical order or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively through the several additions.
 - (vi) Dimensions shall be shown along all boundaries of all lots.
 - (a) All lots over one (1) acre in size shall have the acreage marked within the lot.
 - (vii) Easements shall be shown by centerline and width when lines are parallel to a boundary, otherwise boundary bearings and distances shall be shown.
 - (a) Where the exterior boundary lines show bearings or lengths which vary from those recorded in abutting plats or certified surveys, there shall be the following note placed along such lines, "recorded as [show recorded bearing or length or both]."
 - (viii) A graphic presentation showing the minimum building setbacks on all lots and parcels and a notation of the distance between such lines and the street right-of-way.
- (7) **Required Notes.** The following notes:
- (i) **Plat Preparer Signature.** The land surveyor or engineer shall affix upon each plat their name and address with a certificate signed by them stating the source of the title of the owner of the land subdivided and the place of record of the last instrument in the chain of title. Additionally, a note stating, "I hereby certify, to the best of my knowledge and belief, that all of the requirements of the City Council and ordinances of the City of Petersburg, Virginia, regarding the platting of subdivisions within the City have been met. Given under my hand this [date] day of [month] 20[year]."
 - (ii) **Owner Consent.** In accordance with the Code of Virginia § 15.2-2264:
 - (a) "The platting or dedication of the following described land [here insert a correct description of the land subdivided] is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any."
- (8) **Notes, When Applicable.** The following notes, when applicable:
- (i) **CBPA Compliance.** "Chesapeake Bay Preservation Area designated Resource Protection Areas (RPA) may not be disturbed without review and approval per Chapter 122, Article II, Chesapeake Bay Preservation Areas, of the City Code of Ordinances.
 - (a) Undisturbed and vegetated 100-foot wide RPA buffer areas are to be retained.
 - (b) Permitted development in RPAs is limited to water dependent facilities or redevelopment."
 - (ii) **VDH Compliance.** If utilizing private septic:

- (a) “All lots shown on this plat have been evaluated by the Virginia Department of Health and/or an authorized on-site soil evaluator and have met the criteria as set forth in the Commonwealth of Virginia Sewage Handling and Disposal Regulations (32.1 Code of Virginia), as amended, and each lot or parcel is eligible for a septic permit.”
- (iii) **Public Streets.** If public streets are within the subdivision:
 - (a) “The public streets shown on this plat are conveyed in fee simple to the City of Petersburg.”
- (iv) **Public Easements.** All Final Plats containing proposed public easements shall expressly reference a declaration of the terms and conditions of such public easements recorded with the subdivision plat in the City’s land records.
- (v) **Private Streets.** If private streets are within the subdivision, the plat shall include a private streets declaration in accordance with **Section 10-2-8(C)**.
- (vi) **Variations or Exceptions.** If the Planning Commission has granted a variation or exception, a note shall include a summary of the action and date of approval.

Section 10-6-3. Final Plat Submission.

- (A) Final Plat submission shall include a written application by the developer or their representative, on forms provided by the City, and the Final Plat.
- (B) One (1) physical copy and 1 digital PDF copy of the Final Plat shall be submitted to the Subdivision Agent.³⁴

Section 10-6-4. Final Plat Review.³⁵

- (A) The Subdivision Agent shall act according to the regulations of Code of Virginia §§ 15.2-2222.1, 15.2-2254, 15.2-2259, 15.2-2260, and 15.2-2269 with regards to the timeframes of resubmittals and other agency reviews, approvals, and disapprovals.
 - (1) The Subdivision Agent shall confirm that provisions for required guarantees, as established in **Division 4, Guarantees**, of this Article are met.
 - (2) If the Subdivision Agent does not act in accordance with the time constraints or disapproves a plat and the subdivider contends that the disapproval was not properly based, then the subdivider may seek approval as provided in the Code of Virginia § 15.2-2259.
- (B) The Subdivision Agent’s signature on the final plat shall constitute final approval of the platting of the area shown, but the owner or developer shall cause such plat to be recorded in accordance with **Section 10-6-6**, below.

³⁴ **Editor’s Note:** The submission format of preliminary plats is based on what is currently required on the City’s Application for Approval of a Subdivision Plat. This can be amended as needed to match what is occurring in practice.

³⁵ **Editor’s Note:** This Section essentially replaces Section 33-25 of the current Subdivision Ordinance. Additional language has been introduced to comply with all applicable regulations of the Code of Virginia.

- (C) Approval of the final plat shall not be deemed the acceptance by the City of Petersburg of any street, alley, or other public space shown on the plat for maintenance, repair or operation thereof, as provided in **Section 10-2-15(A)**.

Section 10-6-5. Recording.³⁶

- (A) Any owner or subdivider of any tract of land situated within the City of Petersburg who subdivides the same shall make and record a plat pursuant to the Code of Virginia § 15.2-2254.³⁷
- (1) No such plat shall be recorded unless and until it shall have been submitted, approved, and certified by the Subdivision Agent in accordance with the regulations of this Article.
- (B) After approval, the subdivider shall record such plat in accordance with Code of Virginia § 15.2-2241(8); otherwise, such approval shall become null and void.³⁸
- (1) However, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit a City-approved guarantee in accordance with **Division 4** of this Article, the time for plat recordation shall be extended to either one (1) year after final approval or to the time limit specified in the approved guarantee agreement, whichever is greater.
- (C) To entitle a final plat to be entered in the proper books in the Office of the Clerk of Circuit Court of the City of Petersburg, the certificate of consent as outlined in the Code of Virginia § 15.2-2264, together with the certificates of approval of the Subdivision Agent, shall accompany it.
- (1) These certificates shall be printed legibly on the face of the final plat. After the Subdivision Agent has approved the final plat, the Clerk of Circuit Court shall sign the plat and cause a certified copy of the resolution approving such plat to be attached to the plat and returned to the subdivider.
- (D) The period of validity for recorded plat or final site plan shall be as required by the Code of Virginia § 15.2-2261.A. If a recorded subdivision plat dedicates real property to the City of Petersburg, then the approved final subdivision plats shall remain valid indefinitely.
- (E) Recordation of plats shall act as transfer of streets, termination of easements and rights-of-way to the City of Petersburg as outlined in the Code of Virginia § 15.2-2265. However, nothing shall obligate the City of Petersburg to install or maintain such facilities unless otherwise agreed to by the City.
- (F) If the provisions of a recorded plat or final site plan, which was specifically determined by the City Council and not its Subdivision Agent, to be in accordance with the zoning conditions previously approved pursuant to the Code of Virginia §§ 15.2-2296 through 15.2-2303, conflict with any underlying zoning conditions of such previous rezoning approval, the provisions of the

³⁶ **Editor's Note:** New language has been added to include all applicable Code of Virginia regulations.

³⁷ **Editor's Note:** (A) and (A)(1) are retained from Section 33-26(a) and (b), respectively, of the current Subdivision Ordinance.

³⁸ **Editor's Note:** (B) and (B)(1) replace Section 33-25 of the current Subdivision Ordinance. Language has been updated to require recordation of final plats within six months of approval as outlined in the Code of Virginia, along with the additional provisions for potential one-year extensions if public facilities have been constructed.

recorded plat or final site plan shall control, and the public notice requirements of the Code of Virginia § 15.2-2204 shall be deemed satisfied.

Division 7. Subdivision Site Plans.³⁹

Section 10-7-1. When Required.

Prior to approval of a final plat for any major subdivision, a site plan prepared by a licensed engineer showing all general improvements in the subdivision shall be prepared, reviewed, and approved in accordance with **Article 3, Division 6** of this Ordinance.

Section 10-7-2. As-Built Plans.⁴⁰

- (A) Upon the recordation of an approved Final Plat, and completion of all improvements as shown on the approved Subdivision Site Plans, 4 copies of a certified "As-Built" Plan shall be submitted to the City for review and approval for conformance with the approved Subdivision Site Plans.
- (B) As-Built Plans shall be submitted according to **Section 10-3-4**, above, and prior to issuance of a CO.

Division 8. Vacation of Plats.

Section 10-8-1. Vacation.

- (A) Pursuant to Code of Virginia § 15.2-2278, any recorded plat of subdivision may be vacated as outlined in **(B)** through **(F)**, below. The effects of such vacations are outlined in Code of Virginia § 15.2-2274.
- (B) **Boundary Lines.** Pursuant to Code of Virginia § 15.2-2275, the Subdivision Agent may approve the boundary lines of any lot or parcel of land to be vacated, relocated, or altered as part of an otherwise and properly recorded plat of subdivision or re-subdivision:
 - (1) Approved as provided in this Article after submission of a Final Plat in accordance with **Section 10-6-2**, above; or
 - (2) Properly recorded prior to the applicability of this Article and executed by the owner or owners of the land. The action shall not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas. No easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.
- (C) **Interest to the City of Petersburg.** Any interest in streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility granted to the City of

³⁹ **Editor's Note:** This is a new Section to address requirements and review and approval procedures for subdivision construction plans, which also may be referred to as "construction plans". These requirements can be amended by the City as desired.

⁴⁰ **Editor's Note:** Requirement for as-built plans retained from Section 33-81 of the Subdivision Ordinance, with minor revisions for clarity.

Petersburg as a condition of the approval of a site plan may be vacated by the City Council according to the two methods listed in the Code of Virginia § 15.2-2270.

- (D) **Before sale of lot.** An approved and recorded plat of subdivision, or part thereof, may be vacated prior to the sale of any lot therein by the City Council utilizing the procedures set forth in the Code of Virginia § 15.2-2271.
- (E) **After sale of lot.** An approved and recorded plat of subdivision, or part thereof, may be vacated after the sale of any lot by the City Council utilizing one of the two methods specified in the Code of Virginia § 15.2-2272.
- (F) **Duties of the Clerk.** According to Code of Virginia § 15.2-2276, the Clerk in whose office any plat so vacated has been recorded shall write in plain legible letters across such plat, or the part thereof so vacated, the word "vacated," and also make a reference on the plat to the volume and page in which the instrument of vacation is recorded.

Division 9. Enforcement, Violations, and Fees.

Section 10-9-1. Enforcement.

- (A) As provided in the Code of Virginia § 15.2-2254, the following applies:
 - (1) No person shall subdivide land without making and recording a Final Plat of the subdivision and without fully complying with the provisions of the Code of Virginia and this Ordinance.
 - (2) No Final Plat of any subdivision shall be recorded unless and until it has been submitted to and approved by the Subdivision Agent in accordance with the provisions of this Article.
 - (3) No person shall sell or transfer any land of a subdivision, before a Final Plat has been duly approved and recorded as provided by this Article, unless the subdivision was lawfully created prior to the adoption of a subdivision ordinance. However, nothing contained in this Ordinance shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.
 - (4) As of the effective date of this Ordinance, the clerk of the Circuit Court shall not file or record a Final Plat of a subdivision until such plat has been approved as required by this Article. Penalties provided by Code of Virginia § 17.1-223 shall apply to any failure to comply with the provisions of this Section.
 - (5) On lands where a Final Plat is required to be approved and recorded as provided in this Article, until compliance with this Article and other applicable provisions of this Ordinance are met:
 - (i) No Building Permit shall be issued, nor shall construction be authorized by the City; and
 - (ii) No CO shall be issued regarding the use of any structure or land.

Section 10-9-2. Violation and Penalty.

- (A) Violations of this Article shall be in accordance with **Article 2, Administration**, of this Ordinance.
- (B) The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

Section 10-9-3. Fees.

- (A) Pursuant to the Code of Virginia § 15.2-2273, there shall be a charge to compensate the City for the costs incurred during the examination and approval or disapproval of every subdivision plat or lot required to be reviewed by the Subdivision Agent. The applicant should refer to the City of Petersburg Schedule of Fees to determine the charge.
- (B) The City of Petersburg retains authority to charge a fee for the plat vacation process, pursuant to the Code of Virginia § 15.2-2273.
- (C) At the time of installation of improvements, permit and inspection fees shall be as generally provided for permits and inspections as specified in the City of Petersburg Schedule of Fees.⁴¹
- (D) All fees shall be payable to the City Treasurer, in such amount as set by City Council.

⁴¹ **Editor's Note:** Text retained verbatim from Section 33-79 of the current Subdivision Ordinance.

ARTICLE 11. Definitions.¹

Division 1. Word Usage.

Section 11-1-1. General.

- (A) For the purposes of this Ordinance, certain words or terms shall be defined as follows:
- (1) Words used in the present tense include the future. Words in the singular include the plural, and the plural includes the singular.
 - (2) The word "shall" or "must" is always mandatory; the word "may" is permissive.
 - (3) The words "used for" include "designed for," "arranged for," or "occupied for".
 - (4) The word "building" includes "structures" and shall be construed as if followed by the phrase "or part thereof".
 - (5) The word "person" includes "individual," "partnership," "company," "profit or nonprofit corporation," "organization," or other similar entities.
 - (6) The word "erected" shall be deemed also to include "constructed, reconstructed, altered, placed, or moved".
 - (7) The word "State" means the Commonwealth of Virginia. The word "City" means the City of Petersburg, Virginia.
 - (8) The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building".
 - (9) Unless otherwise specified, the term "day" means a calendar day.
 - (10) Unless otherwise specified, all distance shall be measured horizontally and at right angles to the line in relation to which the distance is tied.
 - (11) The terms "architect," "engineer," "landscape architect," and "surveyor," or other profession listed, refer to those professionals who are registered with the Virginia Department of Professional and Occupational Regulation to practice those professions.
 - (12) The words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning.

Section 11-1-2. List of Abbreviations.

- (A) ANSI: American National Standards Institute
- (B) ARB: Architectural Review Board
- (C) BFE: base flood elevation

¹ **Editor's Note:** Unless otherwise noted, all definitions are newly introduced or updated from existing definitions.

- (D) BZA: Board of Zoning Appeals
- (E) CBPA: Chesapeake Bay Preservation Area
- (F) CO: Certificate of Occupancy
- (G) DEQ: Department of Environmental Quality
- (H) DU: dwelling unit
- (I) DU/acre: dwelling unit per acre
- (J) FT: feet
- (K) LF: linear foot
- (L) N/A: not applicable
- (M) NRHP: National Register of Historic Places
- (N) PC: Planning Commission
- (O) RMA: Resource Management Area
- (P) ROW: Right(s)-of-way
- (Q) RPA: Resource Protection Area
- (R) SF or SQ FT: square feet
- (S) SUP: Special Use Permit
- (T) USBC: Uniform Statewide Building Code
- (U) VDH: Virginia Department of Health
- (V) VDOT: Virginia Department of Transportation
- (W) VLR: Virginia Landmarks Register
- (X) USBC: Uniform Statewide Building Code
- (Y) ZA: Zoning Administrator

Division 2. General Terms.

Section 11-2-1. General.

Adjacent. To be separated by common property lines, lot lines, streets, or roads; also known as: abutting, adjoining, contiguous, or touching.

Adjoining. Touching and/or contiguous to.

Alley.² A public way which affords a secondary means of access to property abutting thereon.

² **Editor's Note:** Definition for *Alley* has been retained from Article 3, Section 2.

Alteration.³ Any change in the total floor area, use, adaptability, or external appearance of an existing structure.

Amendment. Any alteration or change, whether substantive or non-substantive, to the official Zoning Map, text of this Ordinance, adopted proffers, or approved permit or plan, including but not limited to a Site Plan or Special Use Permit.

Appeal. A process by which an aggrieved party requests a review of a zoning decision by a higher authority to affirm, modify, or reverse that decision.

Applicant. Any person submitting any application required pursuant to any of the provisions of this Ordinance, including its successors and assigns.

Application. A request completed on a form or forms with all accompanying documents, exhibits, and fees required, indicating a desire to be granted a permit, amendment, or other action under the provisions of this Ordinance.

Area, Buildable. The portion of a lot or site, exclusive of required setbacks, landscaping, or open space within which a structure may be built.

Area, Gross. The total area within a lot before dedication for roads, open spaces, or other public uses – but not including rights-of-way, easements owned by others, or marshlands/wetlands within a development.

Articulation. The design and modulation of a building’s exterior wall through variations in plane, materials, color, texture, or architectural features such as windows, columns, bays, and projections. Façade articulation is intended to create visual interest, break up large or blank wall surfaces, and enhance the building’s relationship to the street and surrounding context.

As-Built Drawings. A final set of drawings that captures all changes from the original design made during construction and depicts the project in its completed state.

Basement.⁴ That portion of a building between the floor and ceiling which is wholly or partly below grade, and having more than one-half of its height below grade.

Bicycle Parking Rack. A stationary fixture to which a bicycle can be supported upright, provide two points of contact, and be securely attached (typically using a bicycle lock) to prevent theft.

Block. An area of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or boundary lines of the City of Petersburg. To ensure interconnection of streets and to achieve a grid pattern, all blocks shall be separated by an intersection.

Boundary Line Adjustment (BLA). A revision to the property lines between two or more adjoining lots that does not result in the creation of a new lot.

Boundary. A line, which may or may not follow a visible feature, that defines the limits of a geographic entity such as a lot, zoning district, block, census tract, city, or place.

³ **Editor’s Note:** Definition for *Alteration* has been retained from Article 3, Section 2.

⁴ **Editor’s Note:** Definition for *Basement* has been retained from Article 3, Section 2.

Building Frontage. The length of an exterior building wall or structure of a single premise oriented to the public way or other properties that it faces.

Building Height. The vertical distance from the average grade to the highest point of the roof surface.

Building Official. The official, or an authorized agent thereof, who is responsible for certifying building inspections, issuing Certificates of Occupancy, and who administers and enforces the provisions of the Uniform Statewide Building Code. The term will include “or designee.”⁵

Building. Any enclosed structure having a roof supported by columns, walls, or other means, and intended for the shelter, housing, or enclosure of persons, animals, and/or property.

Build-To Zone (BTZ). The area on the lot where a certain percentage of the front building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.

By Right. A use permitted or allowed in the zoning district of the property in question, and which complies with these zoning regulations and other applicable ordinances and regulations.

Catastrophic Event. Pursuant to the Code of Virginia § 15.2-2307(E), any natural disaster or phenomena including, but not limited to, a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, or fire caused by lightning, wildfire, or accident.

Certificate of Appropriateness. The approval granted by the Architectural Review Board which certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, movement, or demolition of any building, structure, or landscape within a historic overlay district, subject to the issuance of all other permits needed for the matter sought to be accomplished.

Certificate of Occupancy. The permit issued by the Building Official required under the Uniform Statewide Building Code prior to the use or occupancy of certain buildings and structures. The permit certifies a building or structure is safe for occupancy and completed in accordance with the terms and conditions of an approved site plan and building permit.

City. City of Petersburg, Virginia.

Cluster Development. A development design technique that concentrates buildings on a portion or portions of the site to allow the remaining land to be used for recreation, open space, or preservation of land areas.

Code of Virginia. The laws which govern the territory and political subdivisions of the Commonwealth of Virginia. The term "Code of Virginia" will include "as amended."

Concept Plan. A generalized plan indicating the boundaries of a tract or tracts of land, and presenting the general arrangement of proposed facilities, uses, structures, and improvements.

⁵ **Editor’s Note:** The current Ordinance uses the term “Building Inspector” throughout; this has been revised to “Building Official,” who would oversee designees including building inspectors.

Conditional Zoning. A method for rezoning that permits the reasonable and orderly development and use of land with special restrictions in those situations in which unique, specific circumstances indicate that the existing zoning district regulations are not adequate.⁶

Consolidation. The combination of two or more contiguous lots into a single lot.

Cottage Court. A development of multiple detached single-family dwellings, typically oriented around a shared courtyard or open space, on a single parcel or multiple lots, where each unit is smaller than a standard single-family house and shares pedestrian access and amenities.

Cul-de-sac. A street with only one (1) outlet and having a turnaround for reverse traffic movement.

Dam Break Inundation Zone. The area downstream of a dam that would be inundated or otherwise directly affected by the failure of the dam, as established in Code of Virginia § 10.1-604. The dam break inundation zone must be shown on the dam break inundation zone map filed with the City and Virginia Department of Conservation and Recreation.

Dam. A manmade structure across a watercourse used to retain water.

Density. The number of dwelling units that are allowed on a given unit of land, which shall be permitted to include dedicated streets contained within the development. Density is determined by dividing the total number of residential units or lots to be located on the parcel by the area of the base parcel.

Developer. Any person, group or persons, corporation, or other legal entity who, having an interest in land directly or indirectly sells, leases or develops or offers to sell, lease or develop, or advertises for sale, lease or development any lot, tract, parcel, site, unit or interest for residential, commercial or industrial development.

Development. The construction or substantial alteration of buildings, structures, or facilities for residential, commercial, industrial, institutional, recreational, transportation, or utility use.

Dimensional Standards. Standards that regulate the physical layout and spatial requirements for land development, including but not limited to lot area, lot width, lot coverage, building height, floor area ratios, and setbacks.

Director of Planning and Community Development. The official of the City of Petersburg charged with directing planning and community development activities. The term will include “or Deputy/designee.”

District Type. Regulatory categories established within this Ordinance that broadly refer to the generally permitted land uses within the corresponding primary zoning districts. Primary zoning districts in this Ordinance fall under one of the following district types: agricultural, residential, mixed-use, planned, commercial, or industrial district types.

District. See “Zoning District.”

⁶ **Editor’s Note:** This definition appears in Article 3, Section 2 of the current Zoning Ordinance, but has been revised and updated for clarity.

Easement. A right expressed in a recorded writing, given by the owner of land to another party for specific limited use of that land.

Engineer. A professional who is qualified to practice engineering by reason of his special knowledge and use of mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and experience, and whose competence has been attested, through licensure, as a professional engineer by the Commonwealth of Virginia.

Engineer. A professional who is qualified to practice engineering by reason of his special knowledge and use of mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and experience, and whose competence has been attested, through licensure, as a professional engineer by the Commonwealth of Virginia.

Entity. Any natural person, firm, partnership, association, corporation, company or other legal entity, private or public, whether for profit or not for profit.

Façade. The vertical face of a building, including any insets and protrusions facing a street or open space, which contributes to the aesthetic and/or structural design of the building.

Family. A person living alone, or any of the following groups living together as a single housekeeping unit: (1) any number of persons related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship; (2) up to four unrelated people; (3) two unrelated people and any children related to either of them; (4) residents of an assisted living facility or group home as allowed by Code of Virginia § 15.2-2291.

Farm Buildings. Any building or structure, other than a dwelling unit, built or placed upon land within a bona fide farm, used for storing agricultural equipment, farm produce or products, or processing dairy products, and shall be considered essential and standard to the carrying on of farm operations.

Fence. A barrier of man-made construction preventing movement across a boundary, including walls that do not support a roof, but not retaining walls.

Floor Area. The sum of all horizontal floor areas of all buildings on a lot, measured from the exterior walls, excluding uncovered steps, low-clearance attics, open porches, mechanical areas, and parking or storage in basements or ground floors.

Footcandle. A measure of light falling on a surface. One footcandle equals the amount of light generated by one candle shining on one square foot surface located 1 ft. away. Footcandle measurements must be made with a photometric light meter.

Glare. The sensation produced by a bright light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, which causes annoyance, discomfort, or loss in visual performance. Disability glare is the effect of stray light in the eye where visibility and visual performance are reduced.

Grade. The average of the highest and lowest elevations along natural or improved grade (whichever is more restrictive) along the front of the structure that is parallel to the front setback.

Guarantee. A surety bond, cash deposit, or letter of credit approved by the City Attorney and made out to the City of Petersburg in an amount equal to the full cost of the improvements required by these regulations, plus administration and inflation costs; said cost being estimated by the developer's engineer and approved by the City Engineer or designee. Guarantee may also be referenced as "Performance Guarantee," "bond," "surety," or "performance bond."

Health Official. The Health Officer, director, or sanitarian of the City of Petersburg, or their duly authorized representative.

Improved Surface. A surface made of concrete, asphalt, bituminous pavement, brick or stone pavers, or other hard, all-weather, dustless, permeable pavement system.

Improvement. Any physical structure or modification made to land or property that increases its value or utility, such as buildings, structures, roads, parking, landscaping, and utilities.

Interior Aisle. A portion of a parking area which abuts, on one or more sides, parking spaces to which it provides access, and which is not used for the parking of vehicles.

Jurisdiction. The area of territory subject to the legislative control of the City Council.

Kelvin Light Color Temperature. A light bulb color temperature's unit of absolute temperature, noted by the symbol K. The higher the Kelvin rating, the whiter the light will be. The Kelvin scale is generally as follows: 2700K (warm incandescent), 3000K (warm white halogen) and 3500K (household fluorescent).

Lamp. The component of a luminaire that produces light. A lamp is also commonly referred to as a bulb.

Land Surveyor. A person who, by reason of his knowledge of the several sciences and of the principles of land surveying, and of the planning and design of land developments acquired by practical experience and formal education, is qualified to engage in the practice of land surveying, and whose competence has been attested through licensure as a land surveyor to do business in the Commonwealth of Virginia.

Light Emitting Diode (LED). A semiconductor light source that emits light when current flows through it.

Loading Space. A space within the main structure or on the same lot therewith, providing for the standing, loading, or unloading of trucks and other vehicles.

Lot. A parcel of land intended to be separately owned, developed, or otherwise used as a unit, established by plat, subdivisions, or as otherwise permitted by law. May also be referred to in this Ordinance as a "parcel."

Lot, Corner. A lot abutting on two or more streets at their intersection, where the interior angle of the intersection does not exceed 135 degrees.

Lot, Interior. Any lot other than a corner lot, including a through lot.

Lot, Regular. A lot that has direct access to a public or approved private road. They are located, shaped, and oriented to adjacent lots in such a way that the application of general

measurements indicated below can be reasonably applied, and the location of front, side, and rear setbacks is logically determined by, and related to, adjacent streets and setback patterns.

Lot, Through. An interior lot, fronting on two parallel or approximately parallel streets.

Lot Area. The total square footage included within the rear, side, and front lot lines, or proposed street lines of the lot, excluding easements for streets or highways, whether dedicated or not dedicated to public use. Lot area for the purpose of satisfying minimum area requirements shall not include portions under water except where the total area of a body of water is within the lot and/or constitutes less than 20% of the lot area.

Lot Coverage. The percentage of lot area covered by all impervious surfaces including buildings, roofed structures such as gazebos and sheds, decks, parking areas, sidewalks, and patios. For purposes of this Ordinance, permeable pavement will not count towards lot coverage.

Lot Depth. The distance between the front lot line and rear lot line of a lot, measured along a straight line.

Lot Frontage. The distance from which the front boundary line of the lot coincides with the abutting street or, for cottage courts, the common space.

Lot Line. A boundary line of a lot.

Lot Line, Front. A lot line connecting the foremost points of the side lot lines and delineating the lot from the abutting street.

Lot Line, Rear. A lot line which is opposite and most distant from the front lot line, and connecting the rearmost points of the side lot lines.

Lot Line, Side. Any lot line not considered a front or rear lot line.

Lot of Record.⁷ A lot which has been recorded in the Clerk's Office of the Circuit Court of Petersburg, Virginia.

Lot Width. The horizontal distance between side lot lines, as measured along the front lot line.

Low Impact Development (LID). Systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration, or use of stormwater in order to protect water quality and associated aquatic habitat. Often utilizing green infrastructure to preserve, restore, and create green space using soils, vegetation, and rainwater harvest techniques that work with nature to manage stormwater as close to its source as possible.

Lumen. A standard unit of measurement of luminous flux.

Luminaire. A complete electric light unit.

Luminaire, Directionally Shielded. An outdoor light fixture that contains visors, louvers, and other types of shields or lenses designed to direct light onto a targeted area and to minimize stray light.

⁷ **Editor's Note:** This definition appears in Article 3, Section 2 of the current Zoning Ordinance, with minor revisions for clarity.

Luminaire, Full Cutoff. An outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected down below the fixture.

Luminaire, Outdoor. A luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign, except that it does not include an internally illuminated sign.

Monument. Any object, whether natural or man-made, that has been or is designated by deed, will, plat or any official document for the purpose of defining a land boundary, either at a point of direction change, or at any intermediate point along a line, either straight or circular, between points of direction change.

Monument, Geodetic Control. Survey Control Stations of at least Second Order Class II Accuracy, placed in accordance with specifications and documented according to Blue Book Format of the Federal Geodetic Control Committee (FGCC).

Nonconforming Lot. An otherwise legally platted lot that does not conform to the minimum area, width, or lot frontage requirements of this Ordinance for the district in which it is located – either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

Nonconforming Structure.⁸ An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this Ordinance, or is designed or intended for use that does not conform to the use regulations for this Ordinance, for the district in which it is located – either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

Nonconforming Use.⁹ The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this Ordinance for the district in which it is located – either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance. Any use that was unlawful on the Date of Adoption of this Ordinance will remain unlawful and will not be a nonconforming use.

Off-Street Parking. Space provided for vehicular parking outside the dedicated street right-of-way.

Open Space. Land area not covered by buildings, roads, driveway and parking areas, or outdoor storage areas – including, but not limited to, land area set aside for passive and active recreation, landscaping, and/or natural preservation. Except as otherwise provided, open space includes setback areas that meet the requirements defined in this Ordinance.

Parcel. See Lot.

Parent Tract. A separate lot, tract, or parcel of land conveyed by deed, devised by will or passing pursuant to the laws of descent and distribution, the boundaries of which are shown by a plat or

⁸ **Editor's Note:** Article 24, as amended in April 2024, includes a definition for “noncomplying structures.” This term has been revised to “nonconforming structure” to align with state code and to differentiate from noncomplying structures that would not be considered nonconforming.

⁹ **Editor's Note:** This definition appears in Article 3, Section 2 and Article 24, as amended April 2024, of the current Zoning Ordinance, but has been revised and updated for clarity.

described by metes and bounds, and recorded in the Clerk's Office of Petersburg, Virginia on or before January 1, 1981.

Parking Lot. An off-street, ground level area that is used to provide for the required parking spaces and associated aisles.

Parking Space. A designated space designed to park a vehicle; such space being exclusive of necessary drives, aisles, entrances and exits and being fully accessible for the parking or storage of permitted vehicles.

Performance Bond. A financial guarantee posted by a developer to ensure the completion of required improvements, such as roads, landscaping, or stormwater management systems, according to the approved development plans and City standards. If the developer fails to complete the improvements, the City may use the bond funds to complete the work. The term may also be referenced as “bond,” “guarantee,” “performance guarantee,” “performance surety,” or “surety.”

Physical Improvements. Any structure such as drainage structures, central water system, central sewage disposal systems, bridges, etc., and such other improvements as the Subdivision Agent may designate.

Place Type. Generalized categories of development patterns that refer to the ideal character, form, and function of a subarea of the City. These categories are established and further described within the Future Land Use Framework of the City's adopted Comprehensive Plan.

Planned Development. A form of development, on a contiguous land area, that is characterized by unified site design, intended to allow for a variety of housing types and densities, clustering of buildings, common open space, and/or a mix of building types and land uses, in which project planning and density calculations are performed for the entire development rather than on an individual lot basis. The creation of a planned development is facilitated through the PUD primary zoning district.

Plat. A map or plan of a tract or parcel of land which is to be, or which has been subdivided. Includes the term map, plot, replat, or replot. When used as a verb, "plat" is synonymous with "subdivide".

Plat, Final. The map of a subdivision submitted and approved by the City of Petersburg, and subsequently recorded in the Office of the Clerk of the Circuit Court of Petersburg, Virginia.

Plat, Preliminary. The preliminary drawing or drawings, including the elements required by this Ordinance, indicating the proposed manner or layout of a subdivision.

Proffer.¹⁰ A voluntary offer that addresses an impact or impacts from use of property or development, tendered by an applicant for conditional rezoning.

Public Hearing. A meeting announced and advertised for soliciting formal public comment on matters under consideration.

Public Improvement. An improvement that has been or will be dedicated for public use or that is designed to provide adequate transportation, water, sewerage, storm drainage, flood protection, or

¹⁰ **Editor's Note:** This definition appears in Article 3, Section 2 of the current Zoning Ordinance, but has been revised and updated for clarity.

recreational facilities or to serve other public requirements in accordance with Ordinances of the City of Petersburg.

Purchaser. An actual or prospective purchaser or lessee of any lot in a subdivision.

Recreation, Active. Recreation which requires physical alteration to the area in which it is performed. This generally includes recreation or recreation areas such as playgrounds, ball courts, golf courses, and swimming pools.

Recreation, Passive. Recreation that involves existing natural resources and/or minimal development and has a minimal impact. This generally includes walking, hiking, picnicking, birdwatching, and enjoyment of open areas such as parks.

Remnant. A piece or parcel of land remaining after subdividing land that does not meet the minimum requirements of this Ordinance.

Retaining Wall. A manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a slope.

Rezoning. A request to change the zoning classification of a particular lot of land; also see “amendment”.

Right-of-Way (ROW). An area of land not on a lot that is dedicated to public use for pedestrian and vehicular movement, which may also accommodate public utilities infrastructure (including but not limited to water lines, sewer lines, power lines, and gas lines).

Right-of-Way (ROW) Width. The total width of the ROW, as defined by this Ordinance.

Screening. Landscaping, solid fencing, or masonry walls, or combination thereof, that physically and visually shields uses or their appurtenances, such as dumpsters and mechanical equipment, from adjacent property or uses.

Setback. The minimum distance by which any building or structure must be separated from a street right-of-way or lot line. Any area covered by a roof, such as a porch, will be subject to setback requirements.

Setback, Front. The minimum distance from the front lot line(s) to the nearest point of the allowable structure(s), measured perpendicular to the front lot line.

Setback, Rear. The minimum distance from the rear lot line to the nearest point of the allowable structure(s), measured perpendicular to the rear lot line.

Setback, Side. The minimum distance from the side lot line(s) to the nearest point of the allowable structure(s), measured perpendicular to the side lot line(s).

Sidewalk. A paved walk, located in a right-of-way, adjacent to a street.

Sidewalk Zone. The area designed to accommodate pedestrian movement along a public or private right-of-way, located between a property line and curb or edge of pavement. The Sidewalk Zone is comprised of two functional elements:

Pedestrian Travel Zone. The Pedestrian Travel Zone is part of the Sidewalk Zone that is specifically reserved and designated for active pedestrian use.

Buffer Zone. The Buffer Zone is the area between the back of the curb or edge of the pavement and the Pedestrian Travel Zone.

Sign. Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area, or right-of-way open to use by the general public, or any navigable body of water that is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. A sign shall not include a similar structure or device located within a building, except window signs as defined herein; official court or public notices; or the painted or posted message on a properly permitted general advertising sign structure.

Sign, Abandoned. A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by State law.

Sign, Animated. A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs, as defined and regulated by this Ordinance, include the following types:

Electrically Activated. Animated signs producing the illusion of movement by means of electronic, electrical, or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

Flashing.¹¹ An illuminated sign with artificial or reflected light that changes in intensity, color, or direction, or that appears to move or flash when in use. Any revolving illuminated sign shall be considered a flashing sign.

Patterned Illusionary Movement. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Sign, Awning. A sign that is painted, printed, sewn, or otherwise applied directly to the surface of an awning, which is a fabric or other non-rigid material stretched over a frame and typically mounted above a window or door.

Sign, Banner. A temporary sign of flexible material designed to be installed with attachments at each of four corners and typically affixed to a framework or flat surface.

Sign, Canopy. A sign displayed on or attached flat against the surface or surfaces of a canopy. Illuminated canopies, if translucent, are considered part of the total canopy sign area.

Sign, Changeable. A sign that includes any changing of the message either electronically or manually in which the message is stationary and does not fluctuate in size or brightness.

¹¹ **Editor's Note:** Definition for a *Sign, Animated* that is *Flashing* has been modified from the existing definition in Article 3, Section 2.

Sign, Double-Faced. A sign with two faces, back-to-back.

Sign, Exterior. Any sign placed outside a building.

Sign, Flag. Non-governmental flags are deemed to be signs and shall be subject to the provisions of this Ordinance. The official flags of the federal, state, county, or municipal governments are not deemed to be signs.

Sign, Flashing. See "Sign, animated, electrically activated."

Sign, Freestanding. A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more (structures) columns, poles, or braces placed in or upon the ground.

Sign, Illuminated. A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

Sign, Interior. Any sign placed within a building, but not including "sign, window" as defined by this Ordinance. Interior signs, except for window signs as defined, are not regulated by this Ordinance.

Sign, Marquee. A sign incorporated into or attached to a permanent, roof-like structure that projects from a building wall and typically extends over an entrance. Marquee signs are often designed for changeable lettering, electronic displays, or internal illumination.

Sign, Monument. A freestanding sign having the appearance of a solid, rectangular, or cylindrical base.

Sign, Nonconforming. A sign lawfully existing as of the effective date of this Ordinance, and which do not conform to the provisions of this Ordinance.

Sign, Off-Site. A sign which directs attention to a business, commodity, service, activity, or entertainment conducted, sold, or offered on a parcel of land other than the one on which the sign is located.

Sign, On-Site. A sign erected, maintained, or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of the property on which it is displayed.

Sign, Pole-Mounted. A freestanding sign that is permanently supported above ground by one or more poles, columns, or uprights and is not attached to or supported by a building.

Sign, Projecting. Any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted.

Sign, Sail. Also called a feather flag or flag sign; a type of banner typically constructed out of cloth, varying in size, shape, and color, that is attached to a staff or cord for the length of its vertical edge.

Sign, Sandwich Board. A portable, freestanding sign consisting of two sign faces connected at the top and angled to form an "A" shape, typically placed on the ground and not permanently affixed to any structure or surface. Also known as an A-frame sign, it is commonly used for

temporary advertising on sidewalks or in front of businesses and is intended to be displayed during business hours only.

Sign, Temporary. A sign designed or intended, based on materials and structural components, to be displayed for a specified or limited period of time, regardless of type or style of sign. Examples include but are not limited to real estate signs, yard sale signs, contractor’s signs, new business signs, temporary business promotion signs, and special or one-time event signs per year.

Sign, Vehicle. Any sign that is painted, mounted, adhered, magnetically attached, or otherwise permanently affixed to or incorporated into a vehicle or trailer, except those unlicensed, inoperative, or generally stationary vehicles and/or trailers.

Sign, Wall. A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 15 inches from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building or to the face or faces of the architectural projection to which it is affixed and exteriors of windows.

Sign, Window. Any sign visible outside the window and attached to or within eighteen (18) inches in front of or behind the surface of a window or door.

Sign Area. The entire area enclosing the extreme limits of writing, representation, pictorial elements, emblems, or a figure of similar character, together with all material, color, or lighting forming an integral part of the display or used to differentiate the Sign from the background against which it is placed.

Sign Copy. Those letters, numerals, figures, symbols, logos, and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

Sign Face. The particular area of the sign structure upon which a message, copy, or advertisement is displayed for viewing.

Sign Height. The entire height of the structure from the ground to the top of the structure regardless of wording or decorative nature.

Sign Maintenance. To prevent through preservation, repair, or restoration, the development of any rust, corrosion, rot, chipping, peeling, or other deterioration in either the physical appearance or the safety of every sign.

Sign Reface. Removing and replacing, restoring, repainting, or repairing a sign face within or supported by an existing structure or cabinet. A reface does not include any structural addition or expansion to the sign structure or cabinet.

Sign Structure. Any structure supporting a sign.

Site Plan. A plan prepared by a professional engineer or land surveyor licensed by the state and illustrating a proposed development or a subdivision including all covenants, grants, or easements and other conditions relating to use, location, and bulk of buildings, density of development, common open space, public facilities, and such other information as required by the Zoning Ordinance, Subdivision Ordinance, or other applicable ordinances.

Special Use Permit. An approval granted by City Council for a Special Use, subject to any conditions of approval.

Special Use. A use that may be appropriate in a zoning district, but because of its nature, extent, and external effects, requires special consideration and restrictions relating to its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.

Steep Slope. The portion of a lot with a grade of more than 15%, grade being the vertical elevation of land area divided by the horizontal distance.

Step-Back. A horizontal recession of one or more upper stories of a building relative to the vertical plane of the lower stories, measured from the front or street-facing façade.

Story.¹² That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between such floor and the ceiling next above it.

Story, Half.¹³ A space under a sloping roof at the top of a building, the floor of which is not more than two feet below the plate, shall be counted as a half-story when not more than 60% of said floor area is used for rooms, baths, or toilets. A half-story containing an independent apartment or living quarters shall be counted as a full story.

Street. A public way which affords the principal means of access to abutting properties. The term "street" includes all property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefore, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, drive, court, avenue, boulevard, lane, place, circle, or however otherwise designated.

Street, Half-Width. Streets which have their center line along a property line.¹⁴

Street Width. The total width of the strip of land dedicated or reserved for travel, including roadway, curbs, gutters, sidewalks and planting strips.

Structural Alterations.¹⁵ Any change in the supporting members of a building, including, but not limited to, bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Structure.¹⁶ Anything, other than a fence, constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, advertising signs and billboards.

Structure, Principal. A constructed space in which is conducted the primary use of the lot on which it is situated.

¹² **Editor's Note:** Definition for *Story* retained from Article 3, Section 2.

¹³ **Editor's Note:** Definition for *Story, Half* retained from Article 3, Section 2.

¹⁴ **Editor's Note:** Definition for *Street, Half-Width* retained from the Subdivision Ordinance, Section 33-1(6).

¹⁵ **Editor's Note:** Definition for *Structural Alterations* retained from Article 3, Section 2.

¹⁶ **Editor's Note:** Definition for *Structure* has been retained from Article 3, Section 2, with minor revision to remove "posterboards."

Structure, Non-Residential. A building or structure, or part of a building or structure, not occupied in whole or in part for the purpose of human habitation. Examples include warehouse and industrial buildings, commercial buildings, buildings for public entertainment, hotels, restaurants, educational buildings, health buildings, etc.

Subdivide. The process of dealing with land so as to establish a subdivision as defined herein.

Subdivider. Any individual, firm, partnership, association, corporation owning any parcel of land to be subdivided.

Subdivision Agent (Designated Agent). The representative of the City who has been appointed by the City Manager to serve as the agent in administering the regulations of the subdivision ordinance herein. Unless otherwise acted upon by the City Manager, the Director of the Department of Planning and Community Development or his or her designee shall serve as the Subdivision Agent until such time as the Manager may designate the Subdivision Agent.

Subdivision. The division of a parcel of land into two (2) or more lots or parcels of land for the purpose of transfer of ownership or building development, including any parcel previously separated by the owner or prior owner of such land for such purpose. The sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building lots or reconfigure any existing lot lines, shall be exempt from the provisions of this Ordinance.

Subdivision, Major. Any subdivision not classified as a minor subdivision, including but not limited to a subdivision of ten (10) or more lots including the remnant, or any size subdivision requiring any new street or extension of or installation of public facilities or the creation of any public improvements.

Subdivision, Minor. Any subdivision creating not more than nine (9) lots including the remnant; which fronts on an existing street; and does not involve any new road, the extension or installation of public facilities, or the creation of any public improvements.

Surety Consent. A written acknowledgment by a surety company agreeing to a change in the terms of a bond, including release, reduction, extension, or assignment, as required by this Ordinance.

Temporary Use Permit. The permit issued by the Zoning Administrator for special events and uses that are temporal in nature and not permitted in this Ordinance as a by-right or special use in a particular zoning district prior to the commencement of the event or use. Also see “Temporary Use.”

Temporary Use. A use, activity, or event operating for a period of no longer than 6 months.

Transitional Buffer. A strip of land, with plantings and/or architectural features such as a fence or wall, designed to set apart and protect one space or activity from an adjacent space or activity.

Transparency. The percentage of a building façade composed of clear, non-reflective glass that allows views into and out of the building.

Variance. A reasonable deviation from the provisions of this Ordinance regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the Ordinance would result in unnecessary and undue hardship which is not created by the owner, relief or remedy is not available through this ordinance, and such need

for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of this Ordinance.

Vested Right. Any written order, requirement, decision, or determination regarding the permissibility of a specific use, structure, or density of a landowner's property that constitutes a significant affirmative governmental act pursuant to Code of Virginia § 15.2-2307 and is issued in strict accordance with the requirements of this Ordinance.

Vicinity Map. The vicinity or location map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it. The map shall include subdivision name and location, main traffic arteries, schools, parks and playgrounds, scale, north arrow, and date.

Visibility Triangle. The visibility triangle for a street intersection is a triangle with 20-foot sides, starting at the corner where two curb lines intersect and extending out away from this corner intersection, but still following curb lines.

Yard. An open space between building or use and the adjoining lot lines, unoccupied or unobstructed by any portion of a structure or use.

Yard, Front. An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line and extending across the full width of the lot.

Yard, Rear. An open, unoccupied space extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear line of the building, excluding open steps and stoops, on the lot.

Yard, Side. An open, unoccupied space extending from the front setback line to the rear setback line, along the side of a lot, the depth of which is the distance between the side lot line and the side line of the building, excluding open steps and stoops.

Zoning Administrator. The official responsible for administering and enforcing the Zoning Ordinance of the City, also referred to in this Ordinance as the Administrator. The term will include "or Deputy/designee."

Zoning Approval. Approval for Zoning Map Amendments, Conditional Zonings, Special Use Permits, Variances, and Zoning Permits.

Zoning District. A specifically delineated section of the City in which the regulations are uniform and so designated on the Zoning Map.¹⁷

Zoning District, Overlay. A district which addresses special land use circumstances or environmental safeguards by superimposing additional standards and regulations over the underlying Primary Zoning District. Permitted uses in the underlying Primary Zoning District will continue subject to compliance with the regulations of the Overlay Zoning District.

Zoning Map. A legally adopted map depicting the location of each zoning district of the City and all amendments thereto.

¹⁷ **Editor's Note:** This definition appears in Article 3, Section 2 of the current Zoning Ordinance, but has been revised and updated for clarity.

Zoning Permit. A permit issued by the Zoning Administrator which certifies that a commercial building or use complies with the regulations of the Zoning District in which the building or use is located.

Division 3. Overlay District Terms.

Section 11-3-1. Highway Corridor Overlay District Terms.

Active Building Façade. The vertical exterior wall of a structure parallel to the street and any other exterior structure wall which does not face a street but on which the main entrance for the public is located. May also be referred to in this Ordinance as “front building façade”.

Earth Tones. Colors that draw from a palette of browns, tans, warm grays, greens, whites, some reds, and some blues. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees and rocks. Earth tone colors have a light reflective value of 25 to 60 that is composed of a mixture of any shade of brown and any shade of any other color or colors.

Rear Building Façade. The vertical exterior wall of a structure that is generally opposite the active or front building façade, typically oriented away from public streets. This façade does not contain the primary public entrance and often faces service areas, alleys, rear yards, or adjoining properties.

Section 11-3-2. Historic Overlay Districts Terms.

Contributing Structure or Resource. A building, structure, or site that adds to the historic significance of a historic district due to its age, architecture, or association with important events or persons.

Historic Area. An area containing buildings or places in which historic events occurred, or which have special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.¹⁸

Historic Building. A building that is at least 50 years old and significant in American history, architecture, engineering, or culture at the local, state, or national level, and that retains its original location, architectural design, physical setting, construction materials, and/or visible evidence of historical or architectural craftsmanship.

Historic Landmark. A place, site, building, structure, or object that has been officially recognized for its historical or architectural significance at the local, state, or national level.

Local Historic District. A geographically defined area designated by the City Council as having historic, architectural, cultural, or archaeological significance. Local historic districts are subject to local regulations, including design guidelines and a Certificate of Appropriateness process, administered by the Architectural Review Board.

¹⁸ **Editor’s Note:** Definition for *Historic Area* has been retained from Article 36.

National Historic District. A historic district listed in the National Register of Historic Places, the official federal list maintained by the National Park Service.

National Register of Historic Places (NRHP). The official federal list of districts, sites, buildings, structures, and objects recognized for their significance in American history, architecture, archaeology, engineering, or culture maintained by the National Park Service.

State Historic District. A historic district listed in the Virginia Landmarks Register, the official state list of properties significant to Virginia’s history, architecture, archaeology, or culture.

Virginia Landmarks Register (VLR). The official list of properties and districts recognized by the Commonwealth of Virginia as having statewide historical, architectural, archaeological, or cultural significance. The Register is maintained by the Virginia Department of Historic Resources (DHR).

Division 4. Use Terms.

Section 11-4-1. Accessory Use Terms.

Accessory Structure. A building or structure subordinate to and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the main building. This term also includes, but is not limited to, portable storage containers, gazebos, carports, private greenhouses, and sheds which may be modular in nature and are delivered to the site and which may or may not have a foundation. Accessory building or structure does not include motorhomes, travel trailers, or other recreational vehicles.

Accessory Use. An accessory use is one which is clearly incidental to or and located on the same lot as a principal use.

Drive-Through Facility. A facility designed to provide goods or services in a drive-through lane to customers while they remain in their vehicles. This includes but is not limited to restaurants, banks, pharmacies, dry cleaners, and other similar uses. A drive-through facility typically includes drive-up service windows, kiosks, stacking lanes, menu boards, or similar features to facilitate transactions.

Dwelling, Accessory. An ancillary or secondary dwelling unit that exists on the same lot as the principal dwelling as a standalone structure, in an accessory structure, or attached to or in a primary structure.

Home Occupation. Any occupation or activity which is clearly incidental and secondary to use of the premises as a dwelling and which is carried on wholly or in part within a main building or accessory building by a member of the immediate family residing in the home.

Outdoor Storage. The keeping, in other than a building, of any goods, materials, or merchandise on the same parcel for more than twenty-four consecutive hours.

Section 11-4-2. Agricultural Use Terms.

Agricultural Operation. Any operation devoted to the bona fide production of crops, animals, or fowl; the production of fruits and vegetables of all kinds; and farm wineries, farm breweries, and farm distilleries as defined by the Code of Virginia.

Agritourism. As defined by Code of Virginia § 15.2-2288.6, agritourism includes activities at farms, wineries, breweries, distilleries, ranches, or other agricultural operations that allow the public to engage in rural, recreational, educational, or entertainment experiences. These activities may include farm tours, hayrides, crop mazes, heirloom exhibits, and agricultural workshops, whether or not a fee is charged. Agritourism does not include weddings or other non-agricultural events, which are regulated as Event Venues.

Farm Stand. An establishment for the seasonal retail sale of agricultural or forestal goods and merchandise incidental to an agricultural operation. Merchandise may include items such as fruits, vegetables, flowers, herbs, plants, jams, jellies, sauces, baked goods, or homemade handicrafts. Merchandise may not include warehouse items for resale, such as clothing, housewares, etc. Also referred to as a roadside stand or wayside market.

Silvicultural Operation. Any forest management activity, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation as defined by the Code of Virginia.

Section 11-4-3. Commercial Use Terms.

Adult Use.¹⁹ Any premise from which minors are excluded, and in which features the viewing, retail sale, and/or rental of books, magazines, newspapers, digital media, movie films, devices, or other photographic or written productions. Additionally, any premise from which minors are excluded and operates as a nightclub, bar, restaurant, or similar establishment that regularly features live performances that have a dominant theme or purpose intended to provide sexual stimulation or sexual gratification to such customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas.

Brewery, Distillery, or Winery. The use of land, licensed by the commonwealth, where beer or spirits are manufactured for sale. Breweries have a capacity greater than 15,000 barrels a year and distilleries have a capacity greater than 5,000 gallons a year. Consumption on the premises is permitted as an accessory use (Code of Virginia §§ 15.2-2288.3:1 and 15.2-2288.3:2).

Brewery, Distillery, or Winery, Micro-. An establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer, with a capacity of not more than 1,000 barrels per year; or primarily engaged in distilling and blending potable liquors, including mixing them with other ingredients, with a capacity of not more than 5,000 gallons of finished product per year; or primarily engaged in the crushing, fermentation, bulk aging/storage, and bottling of grapes that are primarily brought in and not grown on-site, at a capacity of less than 5,000 gallons per year. The development may include other accessory uses such as a standard restaurant, tasting room, or live entertainment.

Business Support Services. Establishments offering the sale, rental, or repair of office equipment and supplies or the provision of services used by office and service establishments. Typical uses include, but are not limited to, office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, or information technology support services.

¹⁹ **Editor's Note:** *Adult Use* has been introduced to replace various adult-related uses in the current Zoning Ordinance.

Car Wash. A structure or portion of a structure used for washing and/or waxing motor vehicles, typically using automated or semiautomated methods, including but not limited to chain conveyors, blowers, steam cleaning, or similar mechanical equipment operated by the customer or an attendant.

Casino Game/Gaming.²⁰ Baccarat, blackjack, twenty-one, poker, craps, dice, slot machines, roulette wheels, Klondike tables, Mah Jongg, electronic table games, hybrid table games, punchboards, faro layouts, numbers tickets, push cards, jar tickets, or pull tabs, or any variation of the aforementioned games, and any other activity that is authorized by the Virginia Lottery Board as a wagering game or device under Chapter 41 of Code of Virginia Title 58.1 as amended.

Casino Gaming Establishment.²¹ The premises, including but not limited to, the entire property located at the address of the licensed casino, upon which lawful casino gaming is authorized and licensed under Virginia law. A casino gaming establishment does not include a riverboat or similar establishment.

Casino Gaming Establishment, Temporary.²² A temporary structure or location used for licensed gaming or casino operations while a permanent facility is under construction or renovation. This use is limited in duration and must comply with applicable local, state, and licensing requirements. Temporary gaming facilities may include modular buildings, tents, or similar temporary structures.

Catering Facility. An establishment in which food and meals are prepared on premises, and where such food and meals are delivered to another location for public or private entertainment for a fee. This term does not include *Restaurant*, *Virtual* as defined herein.

Cigar Lounge. Any establishment, facility, or whose business operation allows the on-site use of any product made of tobacco, including cigarettes, cigars, smokeless tobacco, and pipe tobacco. This term does not include *Vape Shop* as defined herein.

Consumer Repair Services. An establishment or place of business primarily engaged in the provision of repair services to individuals, rather than businesses, but this use shall not include automotive and heavy equipment repair use types. Typical uses include repair of electronics, shoes, watches, jewelry, musical instruments, power tools, and household appliances.

Convention Center. A large facility designed and used primarily for hosting conventions, conferences, exhibitions, trade shows, or large meetings. Convention centers typically include one or more exhibition halls, meeting rooms, and support facilities such as lobbies, food service areas, administrative offices, and loading areas. They may also include accessory uses such as retail shops, restaurants, and business centers that are primarily intended to serve event attendees and participants.

Day Care Center.²³ Any facility operated for the purpose of providing care, protection, and guidance during only part of a 24-hour day. This term includes nursery schools, preschools, day care centers

²⁰ **Editor's Note:** Definition for *Casino Gaming/Game* has been retained from Article 3, Division 2.

²¹ **Editor's Note:** Definition for *Casino Gaming Establishment* has been retained from Article 3, Division 2.

²² **Editor's Note:** Definition for *Casino Gaming Establishment, Temporary* is newly introduced, but derived from the existing use permissions for the ERC District.

²³ **Editor's Note:** *Day Care Center* has been introduced to replace *private nursery school* and *child-care center* in the current Zoning Ordinance.

for individuals, including adults, and other similar uses. Excluded are public and private educational facilities, family day home, or any facility offering care to individuals for a full 24-hour period.

Entertainment/Recreation, Commercial Indoor. An establishment which provides an enclosed building for indoor sports and spectator uses, and may include multiple coin operated amusement or entertainment devices or machines as an incidental use of the premises. Typical uses include bowling alleys, ice- and roller-skating rinks, indoor racquetball, swimming, billiard halls, game rooms, video arcades, movie theaters, and concert or music halls. This term does not include skill games as defined by Code of Virginia § 18.2-325.

Entertainment/Recreation, Commercial Outdoor. Participant or spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf, swimming pools, paintball facilities, sports arenas, and outdoor movie theaters or drive ins.

Event Facility/Banquet Hall.²⁴ A facility with or without a kitchen, leased for the purpose of hosting private social events that are not open to the general public for gatherings like wedding receptions, meetings, and banquets, with or without live entertainment, where food and/or drink may be consumed on site.

Farmers Market. A temporary or permanent market at a designated site where multiple vendors sell goods directly to consumers. Typical products include fresh produce, meats, dairy products, baked goods, plants, and other agricultural or locally produced goods. The market may also include non-agricultural items such as handmade crafts, artwork, or similar locally made products. A farmers market may be held indoors or outdoors and may include stalls, tables, or other temporary or permanent structures. This term does not include *Farm Stand*.

Farmers Market, Mobile. A vehicle-based market selling fresh, local food directly to consumers from the vehicle. Mobile Farmers Markets may operate from trucks, trailers, or carts temporarily in approved outdoor locations, following state and local regulations. This use shall not include the preparation of food in the vehicle.

Farmers Market, Popup. A temporary market selling fresh, local food directly to consumers. Popup Farmers Markets may operate from tables, kiosks, or booths temporarily in approved indoor or outdoor locations, following local and state regulations.

Financial Institution.²⁵ Any establishment, the primary business of which is concerned with such federal or state regulated activities as banking, savings and loans, and consumer loan companies, not including pawnshops or short-term loan establishments.

Funeral Home. A building used for and engaged in undertaking services such as preparing the dead for burial and arranging and managing funerals.

Garden Center/Commercial Greenhouse. An establishment or place of business primarily engaged in retail sales from the premises including trees, shrubs, seeds, fertilizers, pesticides, plants, and plant materials primarily for agricultural, residential, and commercial consumers. Such an establishment may include a structure used for the cultivation and exhibition of plants under

²⁴ **Editor's Note:** Definition for *Event Facility/Banquet Hall* has been retained from Article 3, Section 2.

²⁵ **Editor's Note:** Definition for *Financial Institution* has been retained from Article 3, Section 2.

controlled conditions in which plants are offered for sale to the public, either at wholesale or at retail.

Gas Station, General. A fueling establishment for vehicles with at least five (5) pumps or ten (10) fueling stations and not more than ten (10) pumps or twenty (20) fueling stations. This term includes the sale of food, convenience, and grocery items, as well as minor vehicle services such as air pumps, vacuums, electric vehicle charging stations, car washes, and similar incidental to the *Retail* component, but may not include vehicle repair or accommodations for large commercial vehicles.

Gas Station, Limited. A fueling establishment for vehicles with no more than four (4) pumps or (8) fueling stations. This term may include the retail sale of food, convenience, and grocery items, but may not include vehicle repair, car was facilities, or accommodations for large commercial vehicles.

Gas Station, Major. A large-scale fueling and travel center that includes more than eight (8) fuel pumps and is designed to accommodate a high volume of vehicles, which may include semi-trailer trucks and recreational vehicles. Major gas stations may include multiple fueling areas, expanded convenience or grocery retail, fast food or dine-in restaurants, restrooms, and travel-related services.

Hospital. Pursuant to Code of Virginia § 32.1-123, any facility licensed in which the primary function is the provision of diagnosis, of treatment, and of medical and nursing services, surgical or nonsurgical, for two or more nonrelated individuals, including hospitals known by varying nomenclature or designation such as children's hospitals, sanatoriums, sanitariums and general, acute, rehabilitation, chronic disease, short-term, long-term, outpatient surgical, and inpatient or outpatient maternity hospitals.

Hotel. The use of land for transitory lodging or sleeping accommodations offered to transients for compensation, typically by the day or week. Typical uses include hotels, motels, travel lodges, or hostels, but not including a *Bed and Breakfast* or *Short-term Rental*.

Kennel, Commercial. A facility where raising, grooming, caring for, dog day care services, or boarding of 3 or more dogs, cats, or other small animals over 4 months of age for commercial purposes is conducted.

Laundry Facilities, Personal Scale. A self-service facility equipped with washing machines and dryers for public use, which may include vending services and limited attendant assistance but excludes commercial-scale laundry operations.

Laundry Services, Commercial Scale. Establishments primarily engaged in the provision of laundering, cleaning, or dyeing services on a commercial scale. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

Lounge/Bar.²⁶ An area, or room, utilized primarily for the sale of alcoholic beverages for the consumption by patrons on the premises and in which the sale of food is merely incidental to the sale of alcoholic beverages.

Maker Space. A shared or individual workspace for small-scale fabrication, craft production, or prototyping, using tools such as 3D printers, woodworking equipment, or light machinery, and

²⁶ **Editor's Note:** Definition for *Lounge/Bar* has been retained from Article 3, Section 2.

which does not produce external impacts typical of manufacturing uses such as noise, emissions, odor, or glare. Activities may include design, assembly, repair, and limited retail of items produced on-site. Maker Spaces may include instructional or co-working components.

Manufactured/Modular Home Sales. Establishments engaged in the sale or rental of manufactured and modular homes.

Marina, Commercial. Waterfront establishments designed and intended to be used for mooring and launching of boats; the servicing, repair, or storage of same watercraft; packaged food sales; travel lift services; slip rental; gasoline; and sanitary pump out service. Restaurants may be an accessory use.

Media Production Studio. A facility used for the production of motion pictures, television programs, digital media, commercials, or similar content. May include sound stages, sets, editing and post-production facilities, costume and prop storage, offices, and ancillary uses. This term does not include *Communications Services*.

Nightclub.²⁷ An establishment where entertainment, live or otherwise, predominates over food service, becoming the principal use for at least during part of the business' operations, with or without dancing, and typically involving a cover or other charge for admission and event advertising. An establishment that serves alcoholic beverages, that provides live entertainment with live music, a disc jockey and a dance floor and that operates late in the evening later than 11:00 p.m.

Nursing Home. A use providing bed care and in-patient services for the aged and infirm that require regular physical and mental medical attention, including facilities known by varying nomenclature or designation such as convalescent homes, skilled nursing facilities or skilled care facilities, intermediate care facilities, extended care facilities and assisted living facilities. This use does not include a facility providing surgical or emergency medical services or a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease; nor does this include Life Care Facility uses and activities, as defined in this Ordinance.

Office, General. The use of land wherein the primary use is the conduct of a business or profession such as, but not limited to accounting, tax-preparation, lenders and securities brokers, architecture, computer software, or information systems research and development, engineering, insurance, law, management, organization and association offices, psychology, theology, real estate and travel. Retail sales do not comprise more than an Accessory Use of the primary activity of a General Office. This definition does not include *Office, Medical/Clinic* as defined by this Ordinance.

Office, Medical/Clinic. The use of a site for facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the Commonwealth of Virginia.

Outdoor Sales, Seasonal/Temporary. Any business or use that is conducted primarily outdoors, which may include but is not limited to: retail sales plants, flowers, Christmas trees, fireworks, and other similar businesses or uses. Does not include *Farmers Market, Popup or Farmers Market, Mobile*.

²⁷ **Editor's Note:** Definition for *Nightclub* has been retained from Article 3, Section 2.

Pawnshop.²⁸ Any establishment which loans money on the security of a borrower's personal property held in keeping of the pawnbroker.

Personal Care Services. Establishments that provide grooming, wellness, or instructional services to individuals, including but not limited to salons, barbershops, tattoo studios, pet grooming, tailors, fitness studios, and florists. These services are typically accessed on a walk-in or appointment basis and do not include medical offices, adult uses, or any educational facilities.

Restaurant, General.²⁹ An establishment primarily engaged in the preparation and service of food and beverages to patrons for on-site consumption in a permanent, seated dining area.

Restaurant, Mobile. A readily movable wheeled cart, trailer, or vehicle designed and equipped for the preparing, service, and/or selling of food and operated at temporary locations. This definition shall include food trucks, food trailers, and food carts.

Restaurant, Virtual. An establishment primarily engaged in the preparation of meals solely for delivery or pickup, with no seating on-site. *Restaurant, Virtual* may operate independently or within a *Shared Commercial Kitchen*, as defined by this Article.

Shared Commercial Kitchen. A commercial kitchen facility that can host one or more licensed food preparation businesses, such *Restaurant, Virtual* and *Restaurant, Mobile*.

Retail Store, Alcoholic Beverage Sales. A retail store established and operated by the Virginia Alcoholic Beverage Control (ABC) Authority or a licensed agent for the sale of distilled spirits for off-premises consumption. This term is distinct from beer and wine sales incidental to *Retail Store* uses, as licensed by Virginia ABC.

Retail Store, Large. A retail establishment that is 3,000 square feet or more in total floor area and serves for the display and sale of merchandise. This term does not include *Retail Store, Discount* or *Recreational Substances, On-site/Off-site Use*.

Retail Store, Small. A retail establishment that is less than 3,000 square feet in total floor area and serves for the display and sale of merchandise. This term does not include *Gas Station; Retail Store, Discount*; or *Vape/Smoke Shop, On-site/Off-site Use*.

Retail Store, Small Box Discount.³⁰ Retail sales uses with a floor area less than 12,000 sq. ft. that offer for sale a combination and variety of convenience shopping goods and consumer shopping goods, and continuously offer a majority of the items in their inventory for sale at a price less than \$10.00 per item.

Short-Term Loan Establishment.³¹ A business licensed to make payday loans under Chapter 18 of Title 6.2, Code of Virginia, licensed to sell money orders or engage in the business of money transmission under Chapter 19 of Title 6.2, Code of Virginia, registered as a check casher under Chapter 21 of Title 6.2, Code of Virginia, or licensed to make motor vehicle title loans under Chapter

²⁸ **Editor's Note:** Definition for *Pawnshop* has been retained from Article 3, Section 2.

²⁹ **Editor's Note:** Definition for *Restaurant, General* has been retained from Article 3, Section 2.

³⁰ **Editor's Note:** The term *Retail Store, Discount* has been introduced to replace *Small Box Discount Store* in the current Zoning Ordinance. The existing definition has been retained from Article 3, Section 2.

³¹ **Editor's Note:** Definition for *Short-Term Loan Establishment* has been retained from Article 3, Section 2.

22 of Title 6.2, Code of Virginia. Banks, savings and loans institutions, credit unions, and retail stores, among others, are not considered to be short-term loan establishments.

Studio. A workspace used for creative or instructional activities, including art, photography, music, dance, or similar disciplines. May accommodate individual artists, small groups, or classes but excludes large performance venues or industrial-scale production.

Tradesperson Service. Tradesperson service means an establishment or place of business primarily engaged in providing a specific trade service to individuals. Typical uses include plumbing, electricians, blacksmith, welding, and taxidermy. This definition does not include *Construction Material Sales, Vehicle Sales and Rental, Personal Service, or Home Occupations* as otherwise defined in this Ordinance.

Vape Shop. Any establishment, facility, or location whose business operation involves the sale of nicotine vapor products. An establishment, facility, or location whose operation includes the sale of tobacco products other than nicotine vaping products, such as cigarettes, cigars, smokeless tobacco and pipe tobacco, shall not be considered a vape shop unless nicotine vapor products are offered for sale.

Nicotine vapor product. Any noncombustible product containing nicotine or vaping fluid that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form, including liquid nicotine. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, closed system, open system, or similar product or device and any cartridge or other container of nicotine in a solution or other form, including liquid nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

Vehicle Rental. A business that rents or leases passenger automobiles, light trucks, or vans on a short-term basis (i.e., daily, weekly, or monthly). May include indoor or outdoor storage of vehicles and a customer service office.

Vehicle Sales, New. A dealership or showroom primarily engaged in the sale or long-term lease of new automobiles, motorcycles, recreational vehicles, and watercraft vehicles. May include *Vehicle Rental; Vehicle Sales, Used;* and/or *Vehicle Repair/Service* as an accessory use, including incidental service, parts sales, and financing. Dealerships selling boats, travel trailers, and recreational vehicles may also be included in this term.

Vehicle Sales, Used. A commercial establishment primarily engaged in the sale or consignment of previously owned or used automobiles, motorcycles, recreational vehicles, and watercraft vehicles. May include *Vehicle Repair/Service* as an accessory use, such as incidental detailing, minor repairs, or installation of parts within a fully enclosed building. This term does not include salvage yards, vehicle dismantling, long-term vehicle storage, or the sale of new vehicles.

Vehicle Repair/Service, Major. A facility for major body, engine, and transmission repairs of automobiles, commercial vehicles, or trucks, and trailers, but does not include a junkyard as defined by this Ordinance. Typical uses include, but are not limited to, automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, painting, or other similar uses

where installation or repair activities are conducted. This term does not include vehicle sales or rental of any type.

Vehicle Repair/Service, Minor. A small-scale vehicle service establishment where motor fuels, oils, and automotive fluids are dispensed to the public for retail sale, and where routine maintenance and minor repairs are performed on passenger vehicles and light trucks. Services may include oil and filter changes, fluid checks and refills, brake adjustments, tire inflation or replacement, battery replacement, light bulb and wiper blade installation, and other minor repairs that do not require removal of major engine or drivetrain components.

Veterinary Clinic/Hospital. An establishment rendering surgical and medical treatment of animals. This use includes the incidental keeping of animals. *Commercial Kennels* are considered a separate use as defined herein.

Section 11-4-4. Industrial Use Terms.

Battery Energy Storage Facility. One or more battery cells for storing electrical energy stored in a Battery Energy Storage System (BESS) with a Battery Management System (BMS). Not to include a stand-alone 12-volt car battery or an electric motor vehicle or consumer products.

Construction Material Sales. An establishment or place of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures, but this use shall not include automobile or equipment supplies otherwise classified herein. Typical uses include building material stores and home supply establishments.

Construction Yard.³² Establishment or place of business primarily engaged in construction activities, including outside storage of materials and equipment. Typical uses are building contractor's yards.

Crematorium. A facility licensed by the Commonwealth of Virginia that specializes in the cremation of human or animal remains. A crematorium may be a primary use or accessory to a *Funeral Home* in industrial districts only.

Data Center. An establishment engaging in the storage, management, processing, and/or transmission of digital data, and housing computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. Such facility or use may include, but is not limited to, air handlers, water cooling and storage facilities, utility substations and infrastructure, back-up power generation, fire suppression systems, and/or enhanced security systems.

Equipment Sales, Service, and Repair (Heavy). Establishments primarily engaged in the sale, rental, or repair of tools, tractors, construction equipment, commercial equipment, and similar industrial equipment. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

³² **Editor's Note:** Corresponds to *Contractor Storage Yard* in current Zoning Ordinance.

Hazardous Materials, Storage, and Distribution. The storage and/or distribution of any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety of the environment.

Junkyard/Salvage Yard. An establishment or place of business which is maintained, operated or used for storing, keeping, buying, or selling scrap metal, or for the maintenance or operation of an automobile graveyard. The definition does not include litter, trash, and other debris scattered along or upon roadways, or temporary operations and outdoor storage of limited duration. The term "junkyard/salvage yard" shall include the term "automobile graveyard" as defined in Code of Virginia § 33.2-804 and does not include establishments keeping five or fewer inoperable vehicles.

Laboratory, Research, and Development. An establishment whose principal purpose is the research, compounding and/or packaging of scientific products, or research and development of innovative ideas in technology-intensive fields. Examples include research and development of communication systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes and light manufacturing may be associated with this use.

Manufacturing, Heavy. The processing and/or converting of raw, unfinished material and/or products into articles or substances of a different character or for use for a different purpose. Uses may have significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in manufacturing or other processes. Uses may include, but are not limited to, asphalt plants, concrete plants, lumber mills, and planing mills.

Manufacturing, Light. Establishments primarily engaged in the on-site production of goods by hand manufacturing, assembly, packaging or fabrication of materials and products within enclosed structures without significant external effects such as smoke, noise, soot, vibration, odor, and the like. Uses may include, but are not limited to, a machine shop, bottling, electronic equipment, business machines, furniture, medical appliances, tools or hardware, any other product of a similar nature. Retail sales may be incidental to the manufacturing use.

Manufacturing, Small-Scale. An establishment where shared or individual tools, equipment, or machinery are used to make products on a small scale, including the design, production, processing, printing, assembly, treatment, testing, repair, and packaging, as well as any incidental storage, retail or wholesale sales, and distribution of such products. Typical small-scale production establishments include, but are not limited to the making of electronics, prints, leather products, jewelry and clothing/apparel, metal work, glass, ceramic, or paper, together with accessory uses such as training or educational programs.

Self-Storage Facility. A building or groups of buildings divided into separate compartments designed to provide rental storage space. Each storage space shall be enclosed by walls and ceiling and may have a separate entrance for the loading and unloading of stored goods, and shall not be pre-fabricated structures arranged on a lot. The conduct of sales, business, or any other activity within the individual storage units, other than storage, shall be prohibited.

Solar Energy Facility. A solar facility that is attached to a structure or incorporated into building materials for structures, such as shingles or roofs, or as ground mounted equipment. It may be a principal or accessory use and generates electricity from sunlight on an area adequate to support a

rated capacity of greater than 500 kilowatts (500 KW) and less than five megawatts (5 MW) alternating current. Generated electricity may be used for on-site consumption, provided to electric cooperative member-customers (non-retail, from behind the meter), or distributed for commercial consumption.

Solar Energy Facility, Accessory. A solar facility that is attached to a structure or incorporated into building materials for structures, such as shingles or roofs, or as ground-mounted equipment. It may be a principal or accessory use and generates electricity from sunlight on an area adequate to support a rated capacity of 500 kilowatts (500 KW) alternating current or less. Generated electricity may be used for on-site consumption and/or provided to electric cooperative member-customers (non-retail, from behind the meter).

Truck/Freight Terminal. An area of land used for the switching, storing, assembling, distributing, consolidating, moving, repairing, weighing, or transferring of freight by either means of road or rail. Railroad uses - such as sidings, tracks, spur tracks, and signals - may be incidental to other operations.

Vehicle Tow Lot. A secured facility used for the temporary storage of towed, impounded, or abandoned vehicles. This term does not include vehicle dismantling, salvage, long-term storage, or automobile graveyards.

Warehousing and Distribution. Uses including storage, warehousing, and dispatching of goods within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and moving/storage firm.

Section 11-4-5. Public, Civic, And Recreational Use Terms.

Cemetery, Public. Any land or structure used or intended to be used for the interment of human remains. Additionally, a cemetery includes mausoleums, columbaria, chapels, administrative offices, and maintenance and storage areas (Code of Virginia § 15.2-2288.5). The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery.

Cemetery, Private. Any land or structure used or intended to be used for the interment of human remains, used by the owners or family of the land or structure, and sited in accordance with Code of Virginia § 57-26.

Civic Club, Private. A use that provides meeting areas or social facilities for civic or social clubs and similar organizations and associations that hold regular meetings or events for dues-paying members and their guests only. Such establishment shall not be operated for the purpose of carrying on a trade or business and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered.

Communications Services. An establishment primarily engaged in the provision of broadcasting and other information relay services accomplished using electronic and telephonic mechanisms. Typical uses include television studios, telecommunication service centers, telegraph service offices or film and sound recording facilities. Excluded from this use type are facilities classified as *Utility Services, Major; Telecommunications Facility; or Media Production Studio.*

Community/Cultural Center. A place, structure, or other facility used for the public display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to: museums, arts performance venues, recreational programs, cultural centers, or interpretive sites, but does not include commercially-operated theatres and event venues.

Community Garden. A shared open space used by individuals or groups to grow fruits, vegetables, flowers, or plants, typically on vacant or underutilized lots. May include individual plots or communal areas, and accessory elements such as raised beds, sheds, compost bins, fencing, and rainwater collection.

Educational Facility, Post-Secondary or Professional. An educational institution authorized by the Commonwealth of Virginia toward certificate, license, associate, baccalaureate or higher degrees, and facilities associated with it. This term includes academic buildings, administrative facilities, dormitories, special housing, parking areas, dining halls and other physical plants associated with a college, university, business, or trade school.

Educational Facility, Primary or Secondary. A public, private, or parochial school offering instruction at the elementary, middle, and/or high school levels in the branches of learning and study required to be taught in the public schools of the Commonwealth of Virginia.

Privately Owned Public Space. An open space located on private property that is accessible to the public and designed for public use and enjoyment, such as plazas, courtyards, arcades, and outdoor seating areas. This term does not include private open spaces limited to residents, employees, or patrons, such as gated courtyards, rooftop terraces, or internal common areas.

Public Parks and Recreation. Publicly owned and operated parks, picnic areas, playgrounds, indoor/outdoor athletic or recreation facilities, indoor/outdoor shelters, amphitheaters, game preserves, open spaces, and other similar uses. This use shall not include *Public Use* as defined herein.

Public Use. Public use means the use of land or facilities, exclusively for public purposes, by any department or branch of the federal government, Commonwealth, or any political subdivision, public authority, or any combination thereof. This use shall not include *Educational Facilities, Public Parks and Recreation, or Utility Service (Major or Minor)* as defined herein.

Recreation Facility, Neighborhood. An indoor or outdoor recreation facility that is managed and operated by an HOA or developer, and that is to be used specifically by the residents and guests of a particular residential development, planned development, or residential neighborhood.

Recreation Facility, Non-Commercial. Privately owned, not-for-profit park and recreation facilities that are open to the public. These uses may charge a fee but not for commercial gain. This use includes parks, picnic areas, playgrounds, active or passive recreation facilities, outdoor shelters, amphitheaters, open spaces, and other similar uses. This use does not include *Recreation/Entertainment, Commercial (Indoor or Outdoor); Public Parks and Recreation; Public Use; or Recreation Facility, Neighborhood,* as defined herein.

Religious Assembly. A use located in a permanent building or in outdoor spaces and providing regular organized religious worship and related incidental activities. This use shall not include *Educational facility, primary/secondary schools and Day care facilities* as defined herein.

Shelter, Animal. A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals. For purposes of this Ordinance, animal shelters shall not be considered *Public Uses*, as defined herein.

Telecommunications Facility. Any unstaffed facility for the transmission and/or reception of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services. A broadcasting or communication tower usually consists of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission or reception devices or antenna. Excluded are amateur radio antennas, which are defined separately. Also excluded are wireless communication antennas which fit the definition of Small cell facility and “Administrative review-eligible project” as defined in the Code of Virginia §15.2-2316.6 and supplied as *Utility service, minor* by this Ordinance.

Telecommunications Facility, Small Cell. A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services (Code of Virginia §15.2-2316.4).

Utility Service, Major. Service of a regional nature which normally entails the construction of new buildings or structures such as electric generating plants and sources; electrical switching facilities and stations or substations; community wastewater treatment plants; water towers; and similar facilities. All overhead transmission lines are included in this definition.

Utility Service, Minor. A service that is necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as “Administrative review-eligible project” as defined in the Code of Virginia §15.2-2316.3, transformers, and relay and booster devices.

Section 11-4-6. Residential Use Terms.

Adaptive Reuse, Residential. The conversion of an existing building, regardless of its original use, into one or more residential dwelling units. This definition applies only when the original structure is retained and substantially reused, rather than demolished and replaced. May include redevelopment as a fully residential structure or mixed-use structure with commercial and residential units.

Bed and Breakfast. A single-family dwelling, that is occupied by the owner or agent who resides on premises, that provides temporary lodging. Food service shall be at least one meal per day, to each person to whom overnight lodging is provided.

Boardinghouse. A residential building, or portion thereof, that is occupied by the property owner as their primary residence and in which no more than six rooms, limited to no more than one occupant each, are rented to tenants for periods of 30 days or more, and where tenants share common kitchen facilities. This term does not include *Bed and Breakfast, Short-Term Rental, Hotel, or Group Home* as defined in this Ordinance.

Dwelling, Duplex. A building arranged or designed to be occupied by two families, having only two dwelling units. Also referred to as a two-family dwelling.

Dwelling, Manufactured Home. A "single-wide," "double-wide," or "triple-wide" structure that is transportable in 1 or more sections; is 8 feet or more in width and 40 feet or more in length in the traveling mode; is built on a permanent chassis; and is designed for use as a dwelling unit with or without a permanent foundation when connected to the required utilities. For purposes of this Ordinance, a *Manufactured Home Dwelling* must meet the standards promulgated by the United States Department of Housing and Urban Development (HUD), published at 24 CFR Part 3280, including the ANSI standards incorporated therein by reference. For purposes of this chapter, a *Manufactured Home Dwelling* must also bear a data plate declaring that it meets HUD standards.

Dwelling, Multi-Family. A building arranged or designed to be occupied by 5 or more dwelling units for permanent occupancy, regardless of the method of ownership. Included in the use type but not limited to would be garden apartments, low-and high-rise apartments, apartments for elderly housing, and condominiums.

Dwelling, Single-Family. A site built or modular building designed for and used exclusively as one dwelling unit for permanent occupancy by one family, which is surrounded by open space or yards on all sides, is located on its own individual lot, and which is not attached to any other dwelling by any means.

Dwelling, Townhouse. A row of three or more dwelling units, each separated from one another by a continuous vertical wall without opening from basement floor to roof between units, which is commonly known as a firewall, and each on a separate parcel.

Dwelling, Triplex or Quadplex. A building designed for and occupied by 3 or 4 separate dwelling units, each with a separate entrance, which may be internal or external. Units may be arranged side-by-side, stacked vertically, or a combination of both, within a single structure on one lot. Triplexes and quadplexes share common walls and/or floors and are typically designed to resemble a single residential building in scale and appearance.

Family Day Home (1-4 Individuals). A child day program, as defined in Code of Virginia § 22.1-289.02, for children offered in the residence of the provider for up to 4 children at any one time, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation.

Family Day Home (5-12 Individuals). A child day program, as defined in Code of Virginia § 22.1-289.02, for children offered in the residence of the provider for between 5 and 12 children at any one time, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation.

Family Health Care Structure, Temporary. A temporary residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, in accordance with Code of Virginia § 15.2-2292.1.

Group Home. A licensed residential facility in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside, in accordance with Code of Virginia § 15.2-2291.

Life Care Facility. A residential facility primarily for the continuing care of the elderly, providing for transitional housing progressing from independent living in various dwelling units, with or without kitchen facilities, and culminating in nursing home type care where all related uses are located on the same lot. Such facility may include other services integral to the personal and therapeutic care of the residents.

Manufactured Home Park. An area designed, constructed, equipped, operated, and maintained for the purpose of providing spaces for two or more manufactured homes intended for use as occupied dwelling units and meeting or exceeding all applicable requirements for manufactured home parks as stipulated by this Ordinance and the Commonwealth of Virginia.

Shelter, Residential. A facility providing temporary housing and feeding for one or more individuals who are otherwise temporarily or permanently homeless. Ancillary community support services may be provided including, but not limited to, child care, counseling, food distribution, or vocational training.

Short-Term Rental. The accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended for short term, transient rental purposes in exchange for a charge for the occupancy. This use type does not include bed-and-breakfast establishments and does not apply to month-to-month extensions following completion of a year's lease.

Section 11-4-7. Miscellaneous Use Terms.

Amateur Radio Antenna. Amateur radio antennas means a freestanding or building mounted structure, including any base, tower or pole, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communications Commission.

Aviation Facility. A facility designed and used for the landing, takeoff, maintenance, storage, or fueling of aircraft, including but not limited to airports, helipads, heliports, helistops, and landing fields. This term may also include related support services such as hangars, terminals, control towers, and related onsite services and businesses, provided they are directly associated with aviation operations or traveler accommodations.

Construction Temporary Uses. A manufactured home or other similar structure used as a temporary office to meet a short-term need in conjunction with a construction project. This term shall not include *Casino Gaming Establishment, Temporary*.

Inoperable vehicle. Pursuant to the Code of Virginia § 15.2-904, any motor vehicle, trailer or semitrailer which has at least one of the following characteristics: (i) any motor vehicle which is not in operating condition; (ii) any motor vehicle which for a period of 60 days or longer has been partially

or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or (iii) any motor vehicle on which there are displayed neither valid license plates nor a valid inspection decal.

Mixed-Use Structure, Commercial/Industrial. A building that contains a combination of commercial and industrial uses within the same structure. Uses may be vertically or horizontally integrated.

Mixed-Use Structure, Residential/Commercial. In all applicable districts except RB, a mixed-use building that contains both residential and commercial uses in the same structure, with commercial uses established on the ground floor with residential units on upper floors. In the RB district, a mixed-use building that contains both residential and commercial uses in the same structure, which may be vertically or horizontally mixed. This term shall not include *Adaptive Reuse, Residential*.

Parking Lot or Structure, Off-Site. A parking facility that provides one or more parking spaces not accessory to a principal use on the same lot. This includes public or private parking lots or structures, whether operated for a fee or not, and may be located off-site from the primary use it serves. Such facilities include driveways, aisles, maneuvering areas, landscaping, and other features as required by this Ordinance.

Parking Lot, Recreational Vehicle. An area used for a fee for the storage of recreational vehicles and boats that are not currently being used.

Recreational Vehicle. A vehicular type or portable structure without a permanent foundation which can be towed, hauled, or driven and primarily designed as temporary living accommodations for recreational, camping, and travel use and including, but not limited to: travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Transportation Facility. Individual modal or multimodal conveyances and terminals; facilities may be of local, regional, or statewide importance. Examples of facilities include transit stations and depots. Uses may also include vehicle services such as limousine, taxi service, or bus transportation. This term does not include minor transit appurtenances such as covered bus stop benches.